STATE OF HAWAII DEPARTMENT OF THE ATTORNEY GENERAL



REPORT IN RESPONSE TO
H.C.R. NO. 267, H.D. 1, ON THE PROGRESS
MADE IN USING CHAPTER 846E,
HAWAII REVISED STATUTES, TO RESTORE
PUBLIC ACCESS TO REGISTRATION INFORMATION
REGARDING DANGEROUS PERSONS
CONVICTED OF CERTAIN OFFENSES
AGAINST CHILDREN AND CERTAIN SEXUAL OFFENSES

SUBMITTED TO THE TWENTY-SECOND LEGISLATURE STATE OF HAWAII REPORT IN RESPONSE TO H.C.R. NO. 267, H.D. 1,
ON THE PROGRESS MADE IN USING CHAPTER 846E,
HAWAII REVISED STATUTES, TO RESTORE PUBLIC ACCESS TO
REGISTRATION INFORMATION REGARDING DANGEROUS PERSONS
CONVICTED OF CERTAIN OFFENSES AGAINST CHILDREN
AND CERTAIN SEXUAL OFFENSES

This report is submitted in response to H.C.R.

No. 267, H.D. 1, entitled "House Concurrent Resolution

Requesting the Attorney General to Report to the

Legislature on the Progress Made by the Office of the

Attorney General and the Prosecuting Attorneys from the

Counties of the State of Hawaii in using Chapter 846E,

Hawaii Revised Statutes, to Restore Public Access to

Registration Information Regarding Dangerous Persons

Convicted of Certain Offenses Against Children and Certain

Sexual Offenses."

I. CRITERIA USED TO DECIDE WHICH OFFENDERS TO PURSUE FIRST

At last count there was a backlog of nearly 2,000 offenders who were eligible to be sued for orders allowing public access to their registration information. While each prosecutor's office is free to establish its own criteria for prioritizing the backlog, it has been generally agreed that it is very important to make sure the backlog does not grow. Thus, one priority has been to stay

current by making sure that all newly convicted offenders are served with petitions as soon after conviction as possible.

Because no one set of criteria can accurately predict the dangerousness of a sex offender, the prosecutors' offices are free to prioritize the cases from the backlog on a case-by-case basis, including considerations such as the severity of the offense (class A felony, class B felony, or class C felony), the offender's other criminal convictions, and the date of the most recent sexual offense.

II. RESOURCES DEDICATED TO PURSUING HEARINGS

Each prosecutor's office has designated a deputy prosecuting attorney to the assignment of: (1) drafting petitions for court orders to allow access to offenders records; (2) appearing in circuit court hearings for orders to allow public access to sex offender records; and (3) attending meetings related to these cases. When appropriate, deputy prosecutors with other primary assignments also perform the functions listed above. The Department of the Attorney General has assigned a deputy attorney general to coordinate the efforts of the prosecutors' offices, a staff member to collect statistics,

and three staff members to coordinate the placement of offenders on the website.

The meetings attended by the above-described personnel are usually one to three hours. In addition to the hours spent at the meetings, each person devotes additional time to specific tasks related to obtaining orders allowing public access to sex offender information. The deputy prosecutor for the City and County of Honolulu works on this project full time (nominally forty hours per week, but actually far more than that), a law clerk is assigned to work fifteen hours per week on the project, and a paralegal works approximately ten hours per week on the project. It is estimated that each of the neighbor island prosecutors spends, on average, approximately ten hours per week on this project. The five employees of the Department of the Attorney General spend, on average, approximately five to twenty hours per week on this project.

III. CHRONOLOGY OF STEPS TAKEN TO USE THE HEARING PROCESS

In 1994, Congress passed the Jacob Wetterling

Crimes Against Children and Sexually Violent Offender

Registration Act as part of the Federal Violent Crime

Control and Law Enforcement Act of 1994. This law required states to implement a sex offender and crimes against

children registry. In 1996, Megan's Law amended the Wetterling Act. It required states to establish a community notification system to notify the police and the public when sex offenders were released. The Pam Lychner Sexual Offender Tracking and Identification Act of 1996 amended the Wetterling Act. The Lychner Act requires lifetime registration for recidivists and offenders who commit certain aggravated sexual offenses.

In 1997, Hawaii passed its sex offender registration act, codified as chapter 846E of the Hawaii Revised Statutes, in order to protect the public and to comply with these three federal acts. In 1998, provisions contained in section 115 of the General Provisions of Title I of the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act (CJSA) amended the requirements of the Wetterling Act to include heightened registration requirements for sexually violent offenders, registration of federal and military offenders, registration of nonresident workers and students, and participation in the National Sex Offender Registry (NSOR). In 2000, the Campus Sex Crimes Prevention Act amended the Wetterling Act to require offenders to report information regarding any enrollment or employment at an institution of higher education. The Campus Sex Crimes Prevention Act

also requires that the police department in the area of the educational institution be provided with this information.

On November 21, 2001, the Hawaii Supreme Court invalidated the notification provisions of Hawaii's sex offender registration law (chapter 846E, Hawaii Revised Statutes) in the case of State of Hawaii v. Eto Bani, 97 Haw. 285, 36 P.3d 1255 (2001). Approximately two months later, in the 2002 legislative session, the Department of the Attorney General proposed a bill that addressed the Bani issue, and proposed other needed changes.

The language of the bill submitted by the Attorney General in 2002 was rewritten, over the Attorney General's objection, in ways that made the notification provisions defective. Therefore, in the 2003 regular session, the Attorney General submitted another bill that corrected these defects and made other necessary changes to chapter 846E. One of the objectionable changes to the 2002 bill was the elimination of language specifying that hearing process created by the bill would be civil proceedings. The 2003 bill included provisions to restore this language.

It is particularly important that the hearings be statutorily designated as civil in nature. In the absence of any statutory designation as civil or criminal, a court

would be required to make its best effort to determine whether the hearings should be considered civil or criminal. If the court were to consider the hearings criminal in nature, the constitutional principles of double jeopardy and ex post facto would prevent public access to information regarding any of the nearly 2,000 previously convicted sex offenders (a person cannot have additional criminal sanctions added after having been sentenced for the same behavior, nor can a person be criminally sanctioned for a crime that occurred prior to the statute proscribing that behavior).

When faced with a statute silent on the issue of whether the hearings are criminal or civil, it is distinctly possible the courts could find the hearings to be criminal in nature and, as a result, public access would be banned for the nearly 2,000 sex offenders already convicted. If Hawaii courts had ruled this way, then Hawaii would be clearly non-compliant with federal sex offender laws.

The needed amendments were enacted on June 30, 2003. Within two weeks, a working group of representatives from the four county prosecutors' offices and from various divisions of the Department of the Attorney General began meeting in order to create a procedural framework for

drafting, filing, and serving petitions for orders to allow public access to information on sex offenders, pursuant to the newly enacted provisions of chapter 846E. Individual prosecutors' offices have also organized meetings that included other affected agencies and court personnel within the circuit of the prosecutors' jurisdiction.

On April 6, 2004, the first petition seeking a court order to allow public access to a sex offender's records was filed. On June 22, 2004, the Circuit Court of the First Circuit issued guidelines for processing petitions for public release of sex offender information. The first order allowing public access to a sex offender's information was filed on August 3, 2004. To date, 28 subsequent orders have been filed. These 28 orders are attached as Appendix "A."

IV. RESULTS OF EFFORTS TO USE THE HEARINGS PROCEDURE

As of October 31, 2004, petitions had been filed against approximately 193 sex offenders in Hawaii. Of these 193 petitions, 129 were filed in the First Circuit, 25 in the Second Circuit, 36 in the Third Circuit, and 3 in the Fifth Circuit. The first petition was filed on April 6, 2004. The first hearing was completed on July 19, 2004. Hawaii's website listing sex offenders was reactivated on

August 16, 2004. Many hearings have been held (for example, over 60 hearings in the First Circuit alone).

However, to date, final orders have been rendered and filed in only 28 cases. Thus, only 28 offenders are currently listed on the website. The lag time between hearings on the prosecutor's petition and the filing of an order can sometimes be substantial. In one hearing in the First Circuit in November 2004, the judge informed the prosecutor that he would not file the final order until June 2005, even though the presentation of evidence was completed in November.

V. <u>CATEGORIES</u>

The extent to which hearings have been brought and adjudicated to completion is summarized above, and is listed in detail in Appendix "B."

A. Categories of offenses

The number of registered sex offenders convicted of class A felonies is 863, the number convicted of class B felonies is 458, the number convicted of class C felonies is 438, and the number convicted of misdemeanors is 97.

B. Residence

Of the registered sex offenders who reside in Hawaii, 1,052 reside in the City and County of Honolulu,

256 reside in the County of Hawaii, 185 reside in the County of Maui, and 76 reside in the County of Kauai. 41 registered sex offenders are homeless, and 405 registered sex offenders are currently incarcerated.

CUTING AITURNEY

PETER B. CARLISLE 2209 Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
ROWENA A. SOWENA A. SOMERVILLE 6645
ROWENA A. SOW Prosecuting Attorney City and County of Honolulu Alii Place 1060 Richard Street, 10th Floor Honolulu, Hawaii 96821 Ph: 547-7400 FAX: 527-6546

Attorneys for Petitioner

FIRST CIRCUIT COURT STATE OF HAWAII

2004 NOV 2'3 AH 8: 51

F. OTAKE CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

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STATE OF HAWAII

STATE OF HAWAII,) Petitioner.)	S.P. NO. 04-1-0333 (Criminal No. 92-1045)
V.) LORETO RABAGO IBON,) Respondent.)	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3
	Hearing: November 9, 2004 Time: 8:30 a.m. Judge: Rhonda A. Nishimura
))))	

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on November 9, 2004, before the Honorable Rhonda A. Nishimura, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville, and Respondent who was not present, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On April 7, 1994, a jury found Respondent guilty of one (1) count of Sexual Assault in the First Degree pursuant to H.R.S. 707-730(1)(b), six (6) counts of Sexual Assault in the Third Degree pursuant to H.R.S. 707-732(1)(b), and one (1) count of Kidnapping pursuant to H.R.S. 707-720(1)(d);
- 3. On September 16, 1994 Respondent was sentenced to twenty (20) years of incarceration for the Sexual Assault in the First Degree and Kidnapping counts, with the mandatory minimum of six (6) years and eight (8) months as a Repeat Offender in each count. He was also sentenced to five (5) years of incarceration for the six (6) counts of Sexual Assault in the Third Degree, with a mandatory minimum of one (1) year and eight (8) months, all imprisonment terms to run concurrently;
- 4. Respondent was sentenced as a Repeat Offender pursuant to H.R.S. 706-606.5 based on his prior conviction for Murder in Cr. No. 56714, on February 18, 1983;
- 5. Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: H.R.S. Sections 707-731(1)(a) and 707-732(1)(b);
- 6. On September 21, 2004, Stephen K.S. Siu, an Investigator with the Department of the Prosecuting Attorney, City and County of Honolulu personally served Respondent with the <u>Petition</u> for an Order Permitting Public Release of Sex Offender's Relevant Information that is <u>Necessary to Protect the Public pursuant to H.R.S. §846E-3(b)</u>:

- 7. On September 23, 2004, Deputy Prosecuting Attorney Rowena Somerville and Respondent appeared before the Honorable Richard K. Perkins for a status conference on the record;
- 8. Judge Perkins informed Respondent had to respond to the Petition by October 22, 2004, which was an enlargement of the twenty (20) day time period to respond;
- 9. Respondent failed to answer, plead, or otherwise defend against the Petition by October 22, 2004;
- 10. On October 28, 2004, Petitioner filed a notice of entry of default, and the clerk entered default against Respondent;
- On November 3, 2004, Petitioner filed a Motion for Default Judgment and Order

 Granting Petition for an Order Permitting Public Release of Sex Offender's Relevant Information
 that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 (hereinafter "Motion for Default
 Judgment");
- 12. On November 9, 2004, the Honorable Rhonda A. Nishimura granted Petitioner's Motion for Default Judgment, thereby permitting the public release of Respondent's relevant information that is necessary to protect the public and therefore entering the following orders;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. 846E shall be publicly released in order to protect the public;
 - 2. Factors (2) and (6) of H.R.S. 846E-3(d) apply; and

The duration of public release of information shall be for the LIFE of the sex 3. offender.

Dated at Honolulu, Hawaii: November 9, 2004.

APPROVED AND SO ORDERED:

RHONDA A. NISHIMURA

The Honorable Rhonda A. Nishimura Judge of the Above-Entitled Court

NOV 2 2 2004

APPROVED AS TO FORM:

Loreto Rabago Ibon

Respondent

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

DPA: Rowena Somerville SP NO.: 04-1-0333
<u>=====================================</u>
CUSTODY STATUS: Not in custody
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VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Teehna Pascua	92163511	4-27-92	Sexual Assault 1°	
Teehna Pascua	92164088	4-27-92	Sexual Assault 3°	A
Teehna Pascua	92164090	4-27-92	Sexual Assault 3°	C
Teehna Pascua	92164092	4-27-92	Sexual Assault 3°	+=
Teehna Pascua	92164085	4-26-92	Sexual Assault 3°	10
Teehna Pascua	92164086	4-26-92	Sexual Assault 3°	
Techna Pascua	92164087	4-2692	Sexual Assault 3°	

⊠ 1.	Print rap shoet (criminal and sex offender full inquiry) Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against childred (If not sure, give to Rowens to highlight and ask whether only documents are needed for hearing or a petition needs to filed in sex cases.)
□ 2.	Deft. has previous sex/other convictions. Cr. No(s): Fill out new checklist for each case.
⊠ 3.	Check Hoku or pull White Card for File Location/Cr. No. (Search by deft's name.) Fill in information above or retrieve information from file (sex offenses only). File Location: can't locate file If none, check MRRC logs: Appeal? Ask Appellate staff for file location: File destroyed? File retrieved
፟ 4.	Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any. Requested: 7-30-04 Received: 8-6-04
□ 5.	Out-of-state sex conviction: send letter to appropriate agency requesting documents: Per DPA: Documents not needed Request documents Letter sent: Documents received:
⊠ 6.	Request certified "usual" documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Mittimus. If file destroyed & case not in HAJIS, use "Case Not in HAJIS" request form. Requested: 6-10-04 Received: 6-16-04 NOTE: Make a copy of any documents that are not in our case file.
☑ 7.	PSI: In file. No. Request from Cheryl Inquye, APD. Requested: 6-10-04 Received: 6-15-04
⊠ 8.	HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim Requested: 6-10-04 Received: 7-28-04

⊠ 9.	Defl's custody: check current custody log. 8-11-04. Out of custody Custody: Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system. Address same as rap sheet. Add'l address:	
⊠ 10		
Con	t. with A. or B.	
<u>B. P</u>	AU CASES:	
1 11	Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.	
	Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus) 1. To Rowena to sign. 2. Copies: Petition: (6): PA, PD, Deft.(cert.), Judge Perkins, Legal Docs., s/o	
	Return of Service: make copies after Petition served. 3. Stamp "Received by" stamp on PA copy.	
1 12.	Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.	ibut
	Petition filed: 8-24-04. Type SP No. on Return of Service.	
1 3.	Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).	
□14.	Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.) ADPA (if necessary) SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen. Note: Temporarily use filed date as hrg. date. FILE Location: with you awaiting service of Petition.	
15.	Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.	
☑ 16.	Serve Petition on Dest: use Sex Offender Investigator Request form to have Investigator (1) serve petition on dest.; (appearance given to dest.(4) due date is 30 days from request. Print and attach 1st page of Sex Offender rap sheet. Date given to ISD: 8-25-04 Served: 9-21-04	(2)
☑ 17.	Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request the Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calculate appearance date: 9-23-04 Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). SP No. 04-1-033	at :nda
18.	Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.	3
19.	File(s) to Rowena for initial appearance hearing.	
Cont.	with 20.	

AFTER INITIAL APPEARANCE HEARING:

20. Hoku: Dispo SOIA

SOP transaction: enter Petition hearing date.

21. Return file(s) to Rowens for hearing.

AFTER PETITION HEARING:

Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
Copies: (5) PA, DA or PD, Deft., Judge, s/o
Sent out: 11-9-04.
11-18-04 Letter to Judge - no response from respondent - file w/o signature
Hoku: SOOG or SOOD. Notes: SP No.

Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.

11-29-04

25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.

If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

PROSECUTING ALTURNEY

RECEIVED

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645

STATE OF HAWAII

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2004 NOV 23 AM 10: 31

M. LIVICA CLERK

1060 Richard Street, 10th Floor Honolulu, Hawaii 96813 Ph: 547-7400 FAX: 527-6546 Attorneys for Petitioner

Alii Place

Deputy Prosecuting Attorney

City and County of Honolulu

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAIL	
Petitioner.) S.P. NO. 04-1-0228) (CR. No. 87-0644)
v. BENJAMIN BALALONG, Respondent.	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3
	Hearing: November 17, 2004 Time: 9:00 a.m. Judge: Derrick Chan

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on November 17, 2004, before the Honorable Derrick Chan, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Benjamin Balalong, being present and represented by Deputy Public Defender Shirley Kawamura, and the

Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On August 15, 1988, Respondent was convicted of "sexually violent offense(s)" and or a "criminal offense against a victim who is a minor" as those terms are defined in H.R.S. §846E-1, to wit: Attempted Sexual Assault in the First Degree pursuant to H.R.S. Section 707-730;
 - 3. The victim in the case was six (6) years old on the date of the offense;
 - 4. On August 15, 1988, Respondent was sentenced to twenty (20) years of incarceration;
- 5. Respondent is a "sex offender" who is required to register under chapter H.R.S. §846E;
- 6. On August 6, 2004, Respondent was served the <u>Petition for an Order Permitting</u>

 <u>Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3</u> and a hearing was set for November 17, 2004;
- 7. On September 29, 2004, Respondent filed a Response to the State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;
- 8. On November 17, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), (4), and (5) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 9. At the hearing on November 17, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

10. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for the LIFE of Respondent.

Dated at Honolulu, Hawaii: November 17, 2004.

APPROVED AND SO ORDERED:

DEFIRICK HALL LA

The Honorable Derrick Chan
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

NOV 2 3 2004

Deputy Public Defender Attorney for Respondent

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

VIC Lesley Ann F ⊠ 1.	ON DATE: 8. CTIM Puna Kondo	RPT. NO. W81464-2		DPA: Rowena S SP NO.: 04-1-02 CUSTODY STA	228	
VIC Lesley Ann F	CTIM Puna Kondo	RPT. NO.		CUSTODY STA	TUS: In	custody
VIC Lesley Ann F ⊠ 1.	CTIM Puna Kondo	RPT. NO.		CUSTODY STA	TUS: In	custody
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esley Ann F	una Kondo	RPT. NO.	D/O			
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⊠ 1.			D/O	CHAR	GE	CLASS
_		W01404-Z	5-31-87	Att. Sexual As	sault 1°	A
	(If not sure, give to filed in sex cases.)	uinal and sex offender ful n(s): or. no(s).; sent. of Rowena to highlight and	extended term; sent ask whether only do	of repeat offender; con ocuments are needed for	viction of crit hearing or a	ne against childre petition needs to
	· · · · out new checking	· · · · · · · · · · · · · · · · · · ·			•	
	Check Hoku or pull Fill in information al File Location: MRR If none, check MRR	White Card for File Local White Card for File Local Card for File Local Card for File Local File File Local File File File File File File File Fil	ution/Cr. No. (Search tion from file (sex off	by deft's name.) fenses only).		
	Appeal? Ask Appell File destroyed? File retrieved	ate staff for file location):			
⊠ 4. I	Request NCIC printo Requested:	ut from ISD. Route to D Received:	PA to highlight appl	icable convictions, if an	y .	
□ 5. C P L	Out-of-state sex conver DPA: Docur	ction: send letter to apprents not needed Documents received:	propriate agency required Request documents	uesting documents.		
R	equested:	al" documents. NOTE; e not in HAJIS, use "Car Received: of any documents that ar	10 INTO 100	inest totti:	Judgment/Mit	ttimus.
Ø 7. P!		No Request from Cham				
⊠ 8. Hi fro Re	PD Report: In fi om HPD Records. equested: 4-21-04 R	le. No. Request CI	D closing report, vic	tim's statement, and trai	rscribed staten	nent of victim
⊠ 9. De La La	eft's custody: check of Out of custody st known address: se	Current custody log. Custody: Parch PRODCICS (ADL. pap sheet. Add'l a		's IIQ system.		
	Rowena for approva					

B. PAU CASES:

- Type Petition (Old Cases) and Return of Service 1 per cr. no.

 Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.

 Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
 - 1. To Rowena to sign.
 - Copies: Perition: (6): PA, PD, Deft.(cert.), Judge Perkins, Legal Docs., s/o
 Return of Service: make copies after Petition served.
 - 3. Stamp "Received by" stamp on PA copy.
- Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy.

 Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.

Petition filed: 6-29-04. Type SP No. on Return of Service.

- Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).

 6-30-04
- Hoku: White card case or Our-of-State case: ADD case in Hoku. (See your samples.)

 ADPA (if necessary)

 SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.

 Note: Temporarily use filed date as hrg. date.

 FILE Location: with you awaiting service of Petition.
- Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).

 If criminal file was destroyed, open SP file only.

 Hold file until Petition served and Investigator returns Return of Scrvice.
- Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.(4) due date is 30 days from request.

 Print and attach 1st page of Sex Offender rap sheet.

 Date given to ISD: 6-30-04

 Served: 8-12-04
- 17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date: 8-12 04.

 Hoku: SOIA (Sex Offender Initial Appearance) For a SP No. 10.

Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). SP No.

- Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.
- 19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.

AFTER INITIAL APPEARANCE HEARING:

20. Hoku: Dispo. SOIA
SOP transaction: enter Petition hearing date.

21. Return file(s) to Rowens for hearing.

AFTER PETITION HEARING:

- 22. Hoku. Dispo. SOP (Petition hearing). Disposition: <u>Life</u>

 23. Send out Order Permitting or Order Denying (prepared by Rowena)
- 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing. Copies: (5) PA, DA or PD, Deft., Judge, s/o
 Sent out: 11-18-04. Filed: 11-25-04
 Hoku: SOOG or SOOD. Notes: SP No.
- Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.
- Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.

 If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

PROSECUTION ATTORNEY

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

RECEIVED STATE OF HAWAII:

11 NOV 12 PM 2004 NOV 12 AM 9: 41

MI CHIM JUST DATA GTR

B. TERAOKA

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,	
Petitioner.) S.P. NO. 04-1-0429) (Criminal No. 04-1-0429)
v. THOMAS NOWLIN, Respondent.	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3
) Hearing: November 4, 2004) Time: 10:00 a.m.) Judge: Richard K. Perkins)

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on November 4, 2004, before the Honorable Richard K. Perkins, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Thomas Nowlin, being present and represented by Deputy Public Defender Darcia Forester, and the

Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On May 6, 1994, Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor," as those terms are defined in H.R.S. §846E-1, to wit: three (3) counts of Sexual Assault in the Third Degree pursuant to H.R.S. 707-732(1)(b);
 - 3. Respondent was sentenced as a repeat offender pursuant to H.R.S. 706-606.5;
- 4. Respondent was sentenced to an extended term of imprisonment pursuant to H.R.S. 706-661;
- 5. The victim of the sexual assaults was twelve years of age or younger at the time of the offense;
- 6. Respondent is a convicted sex offender and is required to register under H.R.S. Chapter 846E;
- 7. On September 11, 2004, Respondent was served the <u>Petition for an Order Permitting</u>

 <u>Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public</u>

 <u>pursuant to H.R.S. §846E-3</u> and an initial appearance was set for November 4, 2004;
- 8. On November 4, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), (4), (5), and (6) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 9. At the hearing on November 4, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

- 10. Respondent chose not to contest the public release of his relevant information that is necessary to protect the public;
- 11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for the life of the Respondent.

Dated at Honolulu, Hawaii: November 4, 2004.

APPROVED AND SO ORDERED:

RICHARD K. PERKINS

The Honorable Richard K Perkins
Judge of the Above-Entitled Conf

APPROVED AS TO FORM:

NOV 1 2 2004

DARCIA FORESTER

Darcia Forester
Deputy Public Defender

PA 4/12/04

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

DEFENDANT: Thomas	Nowlin		DPA: Rowena Somer	villa	
CR. NO.: 93-0301			SP NO.: 04-1-0429	vine	
SCT. NO.: 22306			51 110 04-1-0429		
CONVICTION DATE: 5	DNVICTION DATE: 5-6-94		CUSTODY STATUS: Not in Custody		
			COSTODI STATUS:	Not in Custody	
VICTIM	RPT. NO.	D/O	CHARGE	CT + CC	
Lindsey Anne Barham	93049773	2-5-93	Sexual Assault 3°	CLASS C	
	93050508	2-5-93	Sexual Assault 3°		
	93050509	2-5-93	Sexual Assault 3°	C	
(If not sure, give to filed in sex cases.)		f extended term; sent d ask whether only d	of repeat offender; conviction of comments are needed for hearing	of crime against childre or a petition needs to l	
Fill out new checkli 3. Check Hoku or pull	ex/other convictions. Cr st for each case. White Card for File Loc bove or retrieve informations	ation/Cr No (Sound	by da@a mana		
If none, check MRR Appeal? Ask Appel File destroyed? File retrieved	C logs:late staff for file location	ns			
	TODOTYCU.		icable convictions, if any.		
5. Out-of-state sex com Per DPA: Docu Letter sent:	viction: send letter to ap ments not needed	Kequest document	uesting documents. s		
Requested:		me Hot tit tiwit? Le		nt/Mittimus.	
	No. Request from Cha				
8. HPD Report: In from HPD Records. Requested: Requested: Requested: Requested: Requested: Requested: Requested: In fact that the second secon	file. No. Request Co	ID closing report, vi	ctim's statement, and transcribed	statement of victim	
Last known address:	Current custody log Custody: Custody:	 LA & M55N) & нрг	o's IIO system.		
☐ Address same as	rap sneet.	address:			

B. PAU CASES:

- **11.** Type Petition (Old Cases) and Return of Service - 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus) 1: To Rowena to sign.
 - 2. Copies: Petirion: (6): PA, PD, Deft (cert.), Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition served.
 - 3. Stamp "Received by" stamp on PA copy.
- Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. **1**12. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute

Petition filed: 10-11-04. Type SP No. on Return of Service.

- Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly). **13.**
- **1214**. Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.) ADPA (if necessary) SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen. Note: Temporarily use filed date as hrg. date. FILB Location: with you awaiting service of Petition.
- W 15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.
- Serve Petition on Deft; use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request. Print and attach 1st page of Sex Offender rap sheet. Date given to ISD: 10-12-04 Served: 10-29-04
- Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that 17. Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: 11-4-04 Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). SP No.
- **№**18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.
- File(s) to Rowena for initial appearance hearing.

Cont. with 20.

AFTER INITIAL APPEARANCE HEARING:

20. Hoku: Dispo. SOIA

SOP transaction: enter Petition hearing date.

21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:

122. Hoku. Dispo. SOP (Petition hearing). Disposition: Granted - Life

Send out Order Permitting or Order Denying (prepared by Rowena) for filing. Copies: (5) PA, DA or PD, Deft., Judge, s/o
Sent out: 11-5-04. Filed: 11-12-04.
Hoku: SOOG or SOOD. Notes: SP No.

24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.

11-12-04

Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.

If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

PETER B. CARLISLE 2209

Deputy Prosecuting Attorney

City and County of Honolulu

1060 Richard Street, 10th Floor

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547-7400

FAX: 527-6546

ROWENA A. SOMERVILLE 6645

Prosecuting Attorney

Alii Place

Ph:

P. 02

PROSECUTION ATURNEY

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M.N. TANAKA CLERK

Attorneys for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

) S.P. NO. 04-1-0286

(Criminal No. 99-0590)

KEVIN KURASAKI,

Respondent.

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE

NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: November 1, 2004

Time: 10:30 a.m.

Judge: Virginia L. Crandall

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on November 1, 2004, before the Honorable Virginia L. Crandall, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Kevin Kurasaki., being present and represented by Deputy Public Defender Debra Loy, and the

Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On June 26, 2000, Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor," as those terms are defined in H.R.S. §846E-1, to wit: eleven (11) counts of Sexual Assault in the Third Degree, pursuant to H.R.S. Section 707-732(1)(b);
 - 3. The offenses occurred when the victim was under the age of twelve (12);
- 4. On September 10, 2004, Respondent was served the <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for November 1, 2004;</u>
- 5. On October 20, 2004, Respondent filed Respondent's Answer to State's Petition for Public Release of Information:
- 6. On November 1, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 7. At the hearing on November 1, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
- 8. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for the life of the sex offender.

Dated at Honolulu, Hawaii: November 1, 2004.

APPROVED AND SO ORDERED:

VIRGINIA LEA CHANDALL

The Honorable Virginia L. Crandall Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Debra Lou

Debra Loy

Deputy Public Defender

NOOV 170 2004"

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

DEFENDANT: Kevin K. Kurasaki CR. NO.: 99-0590 SCT. NO.:		DPA: Rowena Somerville SP NO.: 04-1-0286		
CONVICTION DATE: 6-26-00			CUSTODY STATUS: Not in custody	
				or in customy
VIC	TIM RPT NO			
Rachel Loo			CHARGE	CLASS
Rachel Loo	99102960	12/25/98 - 1/1/99	Devital Vasamir 2	
Rachel Loo	99102093	12/25/98 - 1/1/99	Devitat Assault 3	
Rachel Loo	99102962	12/25/98 - 1/1/99	I DOMEST ASSAULT 1	
Rachel Loo	99102963	12/25/98 - 1/1/99		
Rachel Loo	99102964	12/25/98 - 1/199	Sexual Assault 30	
Rachel Loo	99102965	12/25/98 - 1/1/99	Sexual Assault 3°	
Rachel Loo	99102967	1/1/99 - 3/18/99	Sexual Assault 3°	
	99102070	3/18/99	Sexual Assault 3°	
Rachel Loo	99102971	3/18/99	Sexual Assault 3°	
Rachel Loo	99102969	3/18/99	Sexual Assault 3°	
Rachel Loo	99102968	2/20/00		
⊠l. F	Print rap sheet (criminal and sex offender Highlight conviction(s): cr. no(s).; sent. If not sure, give to Rowena to highlight a filed in sex cases.)	A 6	Sexual Assault 3° of repeat offender; conviction of cri	me against childre petition needs to b
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PA 4/12/04

⊠ 8.	HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim from HPD Records. Requested: Received:
⊠ 9.	Deft's custody: check current custody log. Out of custody Custody: Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system. Address same as rap sheet. Add'l address:
⊠ 10	To Rowena for approval to file petition.
B. P.	AU CASES:
Z 11.	Type Petition (Old Cases) and Return of Service – 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
	check. Multiple addresses: use "AND/OR" between addresses.
	Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus) 1. To Rowena to sign.
	2. Copies: Petition: (6): PA, PD, Deft.(cert.), Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition served.
	3. Statip Received by stamp on PA copy.
12.	Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.
	Petition filed: 7-23-04. Type SP No. on Return of Service.
1 3.	Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
□ //4.	Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.) ADPA (if necessary) SOP (Sex Offender Perition). Enter SP No. in detail screen and Notes screen. Note: Temporarily use filed date as hrg. date. FILE Location: with you awaiting service of Perition.
□Ns.	Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.
16.	Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request. Print and attach 1 st page of Sex Offender rap sheet. Date given to ISD: 7-23-04 Served: 9-17-04
1 7.	Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: 9-16-04 Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). SP No.
18 .	Send out PD's copy of Petition and Return of Service to Susan Amett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.
1 9.	File(s) to Rowena for initial appearance hearing.

AFTER INITIAL APPEARANCE HEARING:

20. Hoku: Dispo. SOIA
SOP transaction: enter Petition hearing date.

21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:

22. Hoku. Dispo. SOP (Petition hearing). Disposition: LIFE

Send out Order Permitting or Order Denying (prepared by Rowena) for filing. Copies: (5) PA, DA or PD, Deft., Judge, s/o
Sent out: 11-2-04. Filed: 11-10-04.
Hoku: SOOG or SOOD. Notes: SP No.

Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.

11-19-04

25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location. If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

PROSECUT ATTORNEY

Alii Place 1060 Richard Street, 10th Floor	WED STATEOFHAWAII ON JUST DATA CHROKA III CRIM JUST DATA CHROKA CLERK
Honolulu, Hawaii 96813 Ph: 547-7400 FAX: 527-6546	PROSECUI CAREE 2004 NOV
	TOF THE FIRST CIRCUIT
STATE O	F HAWAII
STATE OF HAWAII, Petitioner.) S.P. NO. 04-1-0380 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5
. V.	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S
RUDOLPH BAILEY, A 143637 Respondent.) RELEVANT INFORMATION THAT IS) NECESSARY TO PROTECT THE) PUBLIC PURSUANT TO H.R.S. §846E-3
respondem.) Hearing: November 4, 2004) Time: 10:00 a.m.) Judge: Richard K. Perkins
)))

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on November 4, 2004, before the Honorable Richard K. Perkins, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Rudolph Bailey, being present and represented by Deputy Public Defender Darcia Forester, and the</u>

Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On November 9, 1998, Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor," as those terms are defined in H.R.S. §846E-1, to wit: Sexual Assault in the Third Degree pursuant to H.R.S. 707-732(1)(e) and Sexual Assault in the Fourth Degree pursuant to H.R.S. 707-733(1)(a);
- 3. Respondent is a convicted sex offender and is required to register under H.R.S. Chapter 846E;
- 4. On September 14, 2004, Respondent was served the <u>Petition for an Order Permitting</u>

 <u>Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public</u>

 <u>pursuant to H.R.S. §846E-3</u> and an initial appearance was set for November 4, 2004;
- 5. On November 4, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 7. At the hearing on November 4, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
- 8. Respondent chose not to contest the public release of his relevant information that is necessary to protect the public;

9. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for a period of ten (10) years.

Dated at Honolulu, Hawaii: November 4, 2004.

APPROVED AND SO ORDERED:

RICHARD K. PERKINS

The Honorable Richard K. Perkins.

Judge of the Above-Entitled Court

APPROVED AS TO FORM:

NOV 1 2 2004

DARCIA FORESTER

Darcia Forester
Deputy Public Defender

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

CR. NO.: 97-0019			DPA: Rowena Somerville SP NO.: 04-1-0380				
CONVICTION DATE: 11/9/98				CI	USTODY STATUS: N	ot in Custody	
						•	
	VI	CTIM	RPT. NO.	D/O		CHARGE	CLASS
	Jamie	Bailey	97148365	5-1-95 to 5-31-	95	Sexual Assault 3°	C
			97148366	4-17-97		Sexual Assault 4°	Misc.
	□ 1.	Highlight convicti (If not sure, give t filed in sex cases.)	o Rowena to highlight and	f extended term; se d ask whether only	nt of docu	repeat offender, conviction of ments are needed for hearing o	f crime against children. or a petition needs to be
	L. 4.	Fill out new check	list for each case.	r. No(s):	• • •		• 100
	⊠ 3.	Fill in Information File Location: If none, check MR	cliate staff for file location	tion from file (sex	rch by offen	y deft's name.) ses only).	
	⊠ 4.	Request NCIC print Requested: 8-16-6	ntout from ISD. Route to Received: 8-16-04	DPA to highlight a 4	pplica	able convictions, if any.	
	□ 5.	Per DPA: L De	onviction: send letter to a currents not needed Documents received:	Request docum	reque: ents	sting documents.	
	⊠ 6.	Requested:	case not in HAJIS, use "C	Case Not in HAJIS'	' requ	dictment/Complaint & Judgme est form.	nt/Mittimus.
	⊠ 7.	PSI: In file. Requested:	☐ No. Request from Ch Received:	eryl Inouye, APD.			
	⊠ 8.	TOW ULD KECOLO	In file.	CID closing report	, victi	im's statement, and transcribed	statement of victim
	⊠ 9.	Out of custod	s: search PRODCICS (Al		HPD'	s IIQ system.	
•	1 0.	To Rowena for app	proval to file petition.				

_	*				
K.	-Р/	A I I	4 ' A	SE	٠.
	-		~		

- **17**11. Type Petition (Old Cases) and Return of Service - 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
 - 1. To Rowena to sign.
 - 2. Copies: Petition: (6): PA, PD, Deft. (cert.), Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition served.
 - 3. Stamp "Received by" stamp on PA copy.
- Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.

Petition filed: 9-14-04. Type SP No. on Return of Service.

- Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly). **[2**] 13. <u>9-14-04</u>
- Hoku: White eard case or Out-of-State case: ADD case in Hoku. (See your samples.) **14.** ADPA (if necessary) SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen. Note: Temporarily use filed date as hrg. date. FILE Location: with you awaiting service of Petition.
- Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.
- Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request. Print and attach 1st page of Sex Offender rap sheet.

 Date given to ISD: 9-14-04 Served: 10-27-04
- Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: 11-4-04 Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.

SORP (Return of Service). SP No.

- Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.
- File(s) to Rowena for initial appearance hearing.

Cont. with 20.

AFTER INITIAL APPEARANCE HEARING:

20. Hoku: Dispo. SOIA

SOP transaction: enter Petition hearing date.

21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:

- 22. Hoku. Dispo. SOP (Petition hearing). Disposition: Granted 10vrs
- Send out Order Permitting or Order Denying (prepared by Rowcna) for filing.
 Copies: (5) PA, DA or PD, Deft., Judge, s/o
 Sent out: 11-5-04.
 Hoku: SOOG or SOOD. Notes: SP No.
- 24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.

 11-12-04
- 25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.

 If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

PETER B. CARLISLE 2209 Prosecuting Attorney ROWENA A. SOMERVILLE 6645 Deputy Prosecuting Attorney City and County of Honolulu	ZINT NOU 1	8 MA 8	STATE OF HAWAII 23 ON NOV-9 PM 3: 40 OTR		•
Alii Place		¥	M.N. TANAKA		
1060 Richard Street, 10th Floor			CLERK		
Honolulu, Hawaii 96813 Ph: 547-7400			OCLI II (•	
FAX: 527-6546					
Attorneys for Petitioner		1.1		2	28
					25E
IN THE CIRC	UIT COURT C	OF THE FIF	RST CIRCUIT	3	EAH.
	STATE OF I	4.4		- O	R CRIN
STATE OF HAWAII,)		D. 04-1-0323	₩.	
Petitioner.)	(F.C. C	R. No. 86-0020)	4	EY
v. SPENCER NAKAGAWA,)	RELEA RELEV NECES	R PERMITTING PUE SE OF SEX OFFENI ANT INFORMATION SARY TO PROTECT	DER'S ON THA I THE	AT IS
Respondent.)	PUBLIC	C PURSUANT TO H	.R.S. §	846E-3
)	Time:	: November 3, 2004 11:00 a.m. Dexter Del Rosario		
	<u></u>				

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on November 3, 2004, before the Honorable Dexter Del Rosario, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent</u>

Spencer Nakagawa, being present and represented by Jeffrey A. Hawk, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On September 17, 1986, Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor," as those terms are defined in H.R.S. §846E-1, to wit: two (2) counts of Incest pursuant to H.R.S. 707-741, two (2) counts of Sodomy in the Second Degree pursuant to H.R.S. 707-734(1)(b), and one (1) count of Rape in the Second Degree pursuant to H.R.S. 707-731(1)(a);
- 3. Respondent is a convicted sex offender and is required to register under H.R.S. Chapter 846E;
- 4. On September 10, 2004, Respondent was served the <u>Petition for an Order Permitting</u>

 <u>Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public</u>

 <u>pursuant to H.R.S. §846E-3</u> and a hearing was set for November 3, 2004;
- 5. On October 22, 2004, Respondent filed Respondent's Answer to State's Petition for Public Release of Information;
- 6. On November 3, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 7. At the hearing on November 3, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
 - 8. The Court found that H.R.S. 846E-3(d) is not unconstitutional;

9. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for a period of ten (10) years.

Dated at Honolulu, Hawaii: November 3, 2004.

APPROVED AND SO ORDERED

OEXTER D. DEL ROSARIO

The Honorable Dexter Del Rosaro

APPROVED AS TO FORM:

Attorney for Respondent

NOV 9 2004

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

			(Before 5/1/0	-MORE THAN 30 D	AYS	
DEFEND	ANT: Spence	r Nakagawa	(MEIUIE 3/1/0	4)		
CR. NO.:	.R. NO.: F86-0020			DPA: Rowena Somerville		
SCT. NO				SP NO.: 04-1-0323		
CONVIC	TION DATE:	9-17-86		Oliom e -		
			<u>-</u>	CUSTODY STATUS	S: Not in custody	
	/ICTIM	RPT. NO.	D/O			
Kathleen 1	Vakagawa	N93903-1	6/1/846/30/85	CHARGE	CLASS	
Kathleen N	Vakagawa	N93903-2	6/1/835/1/84	+ttrest	C	
Kathleen N	Vakagawa	N93903-3	6/1/835/1/84	Sodomy 2°	В	
Kathleen N	Vakagawa	N93903-4	6/85 & 7/85	Sodomy 2°	В	
Sandra Nal	kagawa	P04505	6/1/84-9/30/85	Rape 2°	В	
⊠ 1.		iminal and sex offender ful		Incest	C	
□ 2.	***************************************	and the second of the second o				
⊠ 3.	Check Hoku or pu Fill in information File Location: If none, check MR	ll White Card for File Loca above or retrieve informati	tion/Cr. No. (Scarch ion from file (sex offe	by deft's name.) inses only).		
⊠ 4.	Pilc retrieved	tout from ISD. Route to Di		cable convictions, if any.		
□ 5.	Out-of-state sex con Per DPA: Doc Letter sent:	viction: send letter to appuments not needed Documents received:	ropriate agency reque Request documents	esting documents.		
፟ 6.	Request certified "us If file destroyed & co Requested: 4/21/04 NOTE: Make a cop	sual" documents. NOTE: (asc not in HAJIS, usc "Casc Received: 6/18/04 y of any documents that are	Certify 2 copies of In e Not in HAIIS" requ	dictment/Complaint & Judgn lest form.	nent/Miπimus.	
	DOT. THE CL. IN	Int A				
⊠ 7.		No. Request from Chery Received: <u>6/28/04</u>	l Inouye, APD.			
⊠ 7. ⊠ 8.		No. Request from Chery Received: 6/28/04 file. No. Request CIE	l Inouye, APD.	m's statement, and transcribe	d statement of victim	

☑ 10. To Rowena for approval to file petition.

PA 4/12/04

<u>B. P</u>	AU CASES:
1 11	 Type Petition (Old Cases) and Return of Service - 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus) To Rowena to sign. Copies: Petition: (6): PA, PD, Deft.(cert.), Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition served. Stamp "Received by" stamp on PA copy.
1 12.	Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Does., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.
· · · ·	Petition filed: 8-12-04. Type SP No. on Return of Service.
1 3.	Xerox 1 st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
□ 114.	Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.) ADPA (if necessary) SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen. Note: Temporarily use filed date as hrg. date. FILE Location: with you awaiting service of Petition.
□ /15.	Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.
□ 16.	Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.(4) due date is 30 days from request. Print and attach 1st page of Sex Offender rap sheet. Date given to ISD: 8-13-04 Served: 9-10-04
<u>(17.</u>	Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
18.	Send out PD's copy of Petition and Return of Service to Susan Amett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.
	File(s) to Rowena for initial appearance hearing.
Cont. v	

AFTER INITIAL APPEARANCE HEARING:

20. Hoku: Dispo. SOIA

SOP transaction: enter Petition hearing date.

21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:

[2] 22. Hoku. Dispo. SOP (Petition hearing). Disposition: Granted 10vrs

Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
 Copies: (5) PA. DA or PD, Deft., Judge, s/o
 Sent out: 11-4-04. Filed: 11-9-04.
 Hoku: SOOG or SOOD. Notes: SP No.

Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.

11-18-04

Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).

Hoku: FILE Location.

If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.

If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

		PRC_DUTTER ALL	Office
PETER B. CARLISLE 2209 Prosecuting Attorney ROWENA A SOMERAWAY COAS	RECI	STATE OF HAWAII	
ROWENA A. SOMERVILLE 6645 Deputy Prosecuting Attorney	CUT NUU 18	AM 7 7004 NOV -9 PM 3: 37	1
City and County of Honolulu	HI CRIM JUS	T DATA CTR	•
Alii Place			
1060 Richard Street, 10th Floor Honolulu, Hawaii 96813 Ph: 547-7400		CLERK	
FAX: 527-6546			
Attorneys for Petitioner			
IN THE CIRC	CUIT COURT C	OF THE FIRST CIRCUIT	PROSECUTING CAREER C
	DIAIL OF F	TAWAII	
STATE OF HAWAII,)	S.P. NO. 04-1-0217	ם או
. Petitioner.)	(Criminal No. 60353)	NAL IZ:
v.)	ORDER PERMITTING PUR RELEASE OF SEX OFFEN	DER'S
DOMINADOR V. GODOY,)	RELEVANT INFORMATION NECESSARY TO PROTECT	N THAT IS T THE
Respondent.)	PUBLIC PURSUANT TO H	.R.S. §846E-3
	}	Hearing: October 25, 2004 Time: 11:00 a.m. Judge: Steven S. Alm	
)		
)		
<u></u>	ì		

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on October 25, 2004, before the Honorable Steven S. Alm, the State of Hawaii</u>

being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Dominador V. Godoy who was not present, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On May 28, 1985, Respondent pleaded no contest to two (2) counts of Sexual Abuse in the First Degree, and the reduced charge of Rape in the Second Degree:
- 3. The victim in the case was twelve (12) years of age or younger at the time of the offense;
- 4. On September 13, 1985 Respondent was sentenced to five (5) years of incarceration for the two (2) counts of Sexual Abuse in the First Degree, and ten (10) years of incarceration for Rape in the Second Degree;
- 5. Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor," as those terms are defined in H.R.S. §846E-1;
- 6. On August 10, 2004, James Nelson, an Investigator with the Department of the Prosecuting Attorney, City and County of Honolulu personally served Respondent with the <u>Petition</u> for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3(b).
- 7. On August 9, 2004, Deputy Prosecuting Attorney Rowena Somerville appeared before the Honorable Richard K. Perkins for a status conference on the record, but the Respondent failed to appear;
- 8. Respondent failed to answer, plead, or otherwise defend against the Petition within twenty (20) days after service;

- 9. On September 1, 2004, Petitioner filed a notice of entry of default, and the clerk entered default against Respondent;
- On September 7, 2004, Petitioner filed a Motion for Default Judgment and Order

 Granting Petition for an Order Permitting Public Release of Sex Offender's Relevant Information

 that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 (hereinafter "Motion for Default

 Judgment"), and it was delivered via certified mail on September 8, 2004;
- 11. On September 20, 2004, Respondent and his sister-in-law Joni Redick appeared before the Honorable Steven S. Alm for a Hearing on the Petition and Motion for Default Judgment;
- 12. Judge Alm extended the answer deadline until October 11, 2004, and continued the hearing until October 25, 2004.
- 13. Respondent failed to answer, plead, or otherwise defend against the Petition by October 11, 2004 or thereafter;
- 14. On October 25, 2004, the Respondent failed to appear at the Hearing on the Petition and Motion for Default Judgment;
- 15. On October 25, 2004, the Honorable Steven S. Alm granted Petitioner's Motion for Default Judgment, thereby permitting the public release of Respondent's relevant information that is necessary to protect the public and therefore entering the following orders;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. 846E shall be publicly released in order to protect the public; and
- 2. The duration of public release of information shall be for the LIFE of the sex offender.

Dated at Honolulu, Hawaii: October 25, 2004.

APPROVED AND SO ORDERED

STEVEN S. AL

The Honorable Steven S. Alm.
Judge of the Above-Entitled Court

NOV 9 2004

APPROVED AS TO FORM:

DOMINADOR V. GODOY J.
Respondent

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

DEFENDANT: Dominador V. Godoy			DPA: Rowena Somerville				
CR. NO.:	60353				NO.: 04-1-02		
SCT. NO.:							
CONVICTION DATE: 9-13-85			CUS	STODY STAT	US: Not	in custody	
						-	
\mathbf{V}	CTIM	RPT. NO.	D/O		CHARG	E	CLASS
Sherilyn M	. Cabico	E96388, 96424,	12/83, 12/8	3 S	exual Abuse 1		•
		96424-1	& 4/21/84	(:	2counts), Rape	2°	.*
⊠ 1.	Highlight conviction	ninal and sex offender full n(s): cr. no(s).; sent. of Rowena to highlight and	extended term: ser	it. of re docume	pear offender; contacts are needed for	viction of crime hearing or a pe	e against children. etition needs to be
2.	Deft. has previous a Fill out new checkli	ex/other convictions. Cr. st for each case.	No(s):				
⊠ 3.	Fill in information a File Location: If none, check MRI	late staff for file location	ion from file (sex o	ch by de offenses	eft's name.) s only).		
☑ 4.	Request NCIC print Requested:	out from ISD. Route to D Received:	PA to highlight ap	plicabl	e convictions, if an	y.	
□ 5.	Out-of-state sex con Per DPA: Doc Letter sent:	viction: send letter to apuments not needed Documents received:	propriate agency ne Request docume	cquestir nts	ng documents.		
⊠ 6.	Requested:	sual" documents. NOTE: ase not in HAJIS, use "Ca Received: y of any documents that a	se Not in HAJIS"	request	tment/Complaint & form.	: Judgment/Mit	timus.
፟ 7.	PSI: In file. Requested:	No. Request from Cher Received:	ryl Inouye, APD.				
⊠ 8.	HPD Report: In Infrom HPD Records. Requested: 4-21-04	file. No. Request C	ID closing report,	victim'	s statement, and tra	inscribed states	ment of victim
⊠ 9.	Out of custody Last known address:	ck current custody log. Custody: search PRODCICS (ADI us rap sheet. Add'l	LA & M55N) & H	PD's II	IQ system.		
⊠ 10.	To Rowena for appro						

B. PAU CASES:

- Type Petition (Old Cases) and Return of Service 1 per cr. no.

 Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.

 Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
 - 1. To Rowena to sign.
 - Copies: Petition: (6): PA, PD, Deft.(cert.), Judge Perkins, Legal Docs., s/o
 Return of Service: make copies after Petition served.
 - 3. Stamp "Received by" stamp on PA copy.
- Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.

Petition filed: 6-28-04. Type SP No. on Return of Service.

- Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
 6-30-04
- Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.)
 ADPA (if necessary)
 SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
 Note: Temporarily use filed date as hrg. date.
 FILE Location: with you awaiting service of Petition.
- Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only.

 Hold file until Petition served and investigator returns Return of Service.
- Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.(4) due date is 30 days from request.

 Print and attach 1ss page of Sex Offender rap sheet.

 Date given to ISD: 6-30-04 Served: 8-10-04
- Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
 Initial appearance date: 8-12-04

Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.

SORP (Return of Service). SP No.

- 18. Send out PD's copy of Petition and Return of Service to Susan Amett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.
- 219. File(s) to Rowena for initial appearance hearing.

Cont. with 20.

AFTER INITIAL APPEARANCE HEARING:

20. Hoku: Dispo. SOIA

SOP transaction: enter Petition hearing date.

☑21. Return file(s) to Rowens for hearing.

AFTER PETITION HEARING:

22. Hoku, Dispo. SOP (Perition hearing). Disposition:

✓ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing. Copies: (S) PA, DA or PD, Deft., Judge, s/o Sent out: _____. Filed: 11-9-04.
 Hoku: SOOG or SOOD. Notes: SP No.

Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.

11-18-04

Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.

If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

HeJoe

IST CIRCUIT COURT STATE OF HAWA!! FILED

2004 NOV -8 AM 10: 44

ROWENA A. SOMERVILLE 66454 NOV 10 AM 11 30 Deputy Prosecuting Attorney US CRIM JUST DATA CTR

City and County of Honolulu

PETER B. CARLISLE 2209

Prosecuting Attorney

Alii Place

1060 Richard Street, 10th Floor

Honolulu, Hawaii 96813

547-7400 Ph: FAX: 527-6546

Attorneys for Petitioner

J. KUBO CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

RECEIVED

STATE OF HAWAII

STATE OF HAWAII,)	S.P. NO. 04-1-0207
)	(CR. No. 03-1-2381)
Petitioners.):	
) 🎠	Orderpermiting public
' V.a.) 🙀	RELEASEDE SEX OFFENDER'S
) 3	RESEARCH TON THAT IS
WILERED HATOLICE EN INC.) 🕸	NECESSARY TORRESTEET THE
	<i>Æ</i> : (PUBLICATION NEW OHR.S. §846E-
Respondent) 3-	
	<i>z</i> : (`	Haring: October 9,2004
	· · ·):	Time::10:00 a.m.
)	Judge Karl KaSakamote
)	
	.)	

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on October 19, 2004, before the Honorable Karl K. Sakamoto, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent, being present and represented by Deputy Public Defender Tyrus S. Buyama, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On October 19, 2004, Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor" as those terms are defined in H.R.S. §846E-1, to wit: four (4) counts of Sexual Assault in the First Degree pursuant to H.R.S. Section 707-730(1)(c), and three (3) counts of Sexual Assault in the Third Degree pursuant to H.R.S. Section 707-732(1)(c);
- 3. Respondent is a "sex offender" who is required to register under chapter H.R.S. §846E;
- 4. The victim in the case was fourteen (14) years of age or younger at the time of the offense;
- 5. The offense resulted in Respondent being sentencing as a repeat offender pursuant to H.R.S. Section 706-606.5;
- 6. Respondent has inexcusably failed to comply with previously imposed terms and conditions of probation;
- 7. On June 23, 2004, Respondent was served the <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for October 19, 2004;</u>
- 8. On July 15, 2004, Respondent filed a <u>Response to the State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;</u>

- 9. On October 19, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), (4), (5) and (6) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 10. At the hearing on October 19, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
- 11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders:

IT:IS HEREBY ORDERED, ADJUDGED:AND:DEGREED Hate:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for the LIFE of the Respondent.

Dated at Honolulu, Hawaii: October 19, 2004.

APPROVED AND SO ORDER

Karl K. Sakamoto

The Honorable Karl K. Sakama 8F
Judge of the Above-Entitled Court

(E SEA!

APPROVED AS TO FORM:

Tyrus S. Buyama

Deputy Public Defender

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

COP or VERDICT or SENTENCE or POST-SENTENCE-LESS THAN 30 DAYS (After 5/1/04)

DEFENDANT: Wilfred H. Tollefsen, III	DPA: Rowena Somerville
CR. NO.: 03-1-2381	SP NO.: 04-1-0207
SCT. NO.:	
CONVICTION DATE: 6/23/04	CUSTODY STATUS: OCCC

RPT. NO.	D/O	CHARGE	CLASS
03404821	10/7/03	Sex Assault 1	A
03432813	same	same	A
93432814	same	Sex Assault 3	C
03432815	same	Sex Assault 3	C
03432816	same	Sex Assault 1	A
03432817	same	same	A
03434679	same	Sex Assault 3	C
03404669	same	Sex Assault 4	M
03432818	same	Sex Assault 4	\mathbf{M}
03432819	same	Sex Assault 4	M
03432820	same	Sex Assault 4	M
	03432813 93432814 03432815 03432816 03432817 03434679 03404669 03432818 03432819	03432813 same 93432814 same 03432815 same 03432816 same 03432817 same 03434679 same 03404669 same 03432818 same 03432819 same	03432813 same same 93432814 same Sex Assault 3 03432815 same Sex Assault 3 03432816 same Sex Assault 1 03432817 same same 03434679 same Sex Assault 3 03404669 same Sex Assault 4 03432818 same Sex Assault 4 03432819 same Sex Assault 4

AFTER A&P:

⊠ 1.	Print rap sheet (criminal and sex offender full inquiry) Highlight conviction(s): cr. no(s).; sent. of extended term; sent. of repeat offender; conviction of cri (If not sure, give to Rowens to highlight and ask whether only documents are needed for hearing or a filed in sex cases.)	me against children petition needs to be
⊠ 2.	Deft. has previous sex/other convictions. Cr. No(s): <u>Does not apply</u> Fill out new checklist for each case.	
⊠ 3.	Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any. Requested: 6/18/04 Received: 6/21/04	
፟ 4.	Out-of-state sex conviction: send letter to appropriate agency requesting documents. Per DPA: Documents not needed Request documents Letter sent: Does not apply Documents received:	
⊠5.	Certify 2 copies of Indictment/Complaint (1 for Petition; 1 for Rowena).	
⊠ 6.	HPD Report: 🖾 In file. 🔲 Not received yet.	
⊠ 7.	Deft's custody: check current custody log Out of custody	
፟ 8.	Type Petition (Old Cases) and Return of Service - 1 per cr. no. Deft's address(es) on Certificate of Service; take from rap sheet or sex offender rap or sex offender lise the classical section of the control of the	st or custody

Attach Exhibit I (cert. Indictment/Complaint).

- 1. To Rowena to sign.
- Copies: Petition: (6): PA, private DA or PD, Deft. (cert.), Judge, Legal Docs., s/o
 Return of Service: make copies after Petition filed.
- 3. Stamp "Received by" stamp on PA copy.
- Place Petition and copies in manila envelope, stamp "Sex Offender Petition packet" on envelope and leave in criminal file. Keep s/o for yourself.

Cont. with A. B. or C.

A. COP SET:

- □ 10. Inform Rowens of COP date.
- At least 4 days before COP date: submit Petition to COP Judge. On route slip, (1) request court to set initial appearance on the same date as sentence; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, and initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.

Petition filed: 6/30/04. Type SP No. on Return of Service.

- Xcrox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
 6/25/04.
- ☑ 14. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).
- 15. Place filed Petition and Return of Service in SP file and give to Rowena to take to COP hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER COP HEARING):

- □ DPA will distribute copies to defense atty., and have deft. sign on PA copy of Petition.
 □ DPA will fill out Return of Service and return to you to have filed: Copies: (5) PA, DA or PD, Deft., Judge, s/o
- ✓ 17. Dispo. Hoku: Sentence Date: 10/19/04
 Hoku: Dispo. SOIA and SOP (enter hearing date)
 Add: SORP (Return of Service). SP No.
- Is. Certified documents: certify Order Appointing Counsel and Guilty Plea and leave in SP file. (Note: Indictment/Complaint was probably already obtained.)
- 19. Return SP file to Rowena.

Cont. With AFTER	PETITION	HEARING.	

B. START OF TRIAL:

10. Inform Rowena when trial starts.

INITIAL APPEARANCE (IMMEDIATELY AFTER GUILTY VERDICT):

DPA will submit Petition to Trial Judge. Clerk will call Legal Docs. for SP No., sign Summons, fill in sentence date and time, conform copies, file in open court, and certify doft's copy.

	DPA will fill out SP No. on Return of Copies: (5) PA, DA or PD, Judge, De	Service, complete f	orm, and retur	m to you for f	rendon, iling.	
	Petition filed:					
□ 12.	Xerox 1st page of filed Petition for Ku	rt Spohn, AG's Offi	ice: send via	Circuit Court	acket (to be sent	weekly)
☐ 13.	Sentence Date: Hoku: Add and Dispo: SOIA (Sex O Add: SOP (Sex Offender Petition) I SORP (Return of Service). No	Enter SP No. in deta	arance) Enter	r SP No. in de Notes field.	tail screen and No	otes field.
□ 14.	Open new SP file. Write red SP No.	on top left corner of	criminal file	(this will alert	you that an SP fi	le is opened).
☐ 15.	Certified documents: certify Order Ap (Note: Indictment/Complaint was pro	ppointing Counsel a bably already obtain	nd request Ve ned.)	erdict form fro	m Legal Docs. ar	ıd leave in SP file
□ 16.	Return SP file to Rowena.					
Cont. w	rith <u>AFTER PETITION HEARING</u> .					

C. SENTENCE/POST-SENTENCE HEARING SET (LESS THAN 30 DAYS):

☐ 1 0 .	Submit Petition to Sentence Judge. On route slip, (1) request court to set initial appearance on the same date as sentence or hrg.; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.			
	Petition filed: Type SP No. on Return of Service.			
	Xcrox 1 st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)			
□ 12.	Hoku: Transaction: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.			
□ 13.				
□ 14.				
INITIA	I. APPEARANCE (IMMEDIATELY AFTER SENTENCE):			
⊠ 15.	DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition. DPA will fill out Return of Service and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o			
*	Court will set Petition hearing date.			
⊠ 16.	Hoku: Dispo. SOIA Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field. SORP (Return of Service). Notes: SP No.			
⊠ 17.	Return file to Rowena for petition hearing.			

AFTER PETITION HEARING:

- Hoku. Dispo. SOP (Petition hearing). Disposition: Life **2**0.
- **⊠** 21. Send out Order Permitting or Order Denying (prepared by Rowena) for filing. Copies: (6) PA, DA or PD, Deft., Judge, s/o Sent out: <u>10/22/04</u>. Filed: <u>11/8/04</u>. Filed: 11/8/04. Hoku: SOOG or SOOD. Notes: SP No.
- **22.** Fax'copy of Order and this form to Norma Ueno, HCIDC, for completion and transmittal to Kurt Spohn.
- Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). **⊠** 23. Hoku: FILE Location. If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

P. 02/04 HCJDC

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813

Ph: 547-7400 FAX: 547-7513 Attorneys for Petitioner RECEIVED STATE OF HAWAII.

RECEIVED STATE OF HAWAII.

FILED

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HI CRIM JUST DATA CTR

R. HIGA CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,) S.P. NO. 04-1-0244	
Petitioner.	(Criminal No. F03-1-0019)	
v.) MICHAEL HIRATA,)	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3	
Respondent.)	Hearing: August 25, 2004 Time: 9:00 a.m. Judge: Michael D. Wilson	

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on August 25, 2004, before the Honorable Michael D. Wilson, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Michael Hirata, being present and represented by Deputy Public Defender William H. Jameson, Jr.,</u>

and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On May 14, 2004, Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: two (2) counts of Sexual Assault in the Second Degree, H.R.S. Section 707-731(1)(a);
 - 3. The victim was under the age of twelve (12) on the date of offense;
- 4. On August 25, 2004, Respondent was sentenced to ten (10) years of incarceration as to each count, to run concurrently;
- 5. On November 15, 1979, in the Third Circuit, State of Hawaii, Cr. No. 5962, Respondent was sentenced for Kidnapping, Assault in the First Degree, and Sexual Abuse in the First Degree;
- 6. On October 18, 2002, in the Third Circuit, State of Hawaii, Cr. No. 00-1-0260, Respondent was sentenced for Sexual Assault in the Third Degree and Failure to Register a Change of Registration Information;
- 7. On July 12, 2004, Respondent was served the <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for August 25, 2004;</u>
- 8. On August 2, 2004, Respondent filed a Response to the State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;
- 9. On August 25, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), (4), (5), and (6) above, thereby giving rise to the

presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

- 10. At the hearing on August 25, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
- 11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for the life of the sex offender.

Dated at Honolulu, Hawaii: August 25, 2004.

APPROVED AND SO ORDERED:

MICHAEL D. WILRON

The Honorable Michael D. Wilson Judge of the Above-Entitled Court

APPROVED AS TO FORM:

William H. Jameson, Jr./ Deputy Public Defender Attorney for Respondent

PROSECUTING ATTORNEY

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

1ST CIRCUIT COURT STATE OF HAWAII FILED

2004 OCT 21 PM 2: 38

i. WONG CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,	S.P. NO. 04-1-0293
Petitioner.	(CR. No. 04-1-0959)
v. SOPHORN VONG,	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE
Respondent.	PUBLIC PURSUANT TO H.R.S. §846E-3
	Hearing: October 12, 2004 Time: 10:00 a.m. Judge: Karl K. Sakamoto

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on October 12, 2004, before the Honorable Karl K. Sakamoto, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent, being present and represented by Deputy Public Defender Ronette M. Kawakami specially appearing</u>

for Deputy Public Defender Jerry A. Villanueva, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes' (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On October 12, 2004 Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor" as those terms are defined in H.R.S. §846E-1, to wit: two (2) counts of Sexual Assault in the First Degree pursuant to H.R.S. Section 707-730(1)(b); and three (3) counts of Sexual Assault in the Third Degree pursuant to H.R.S. Section 707-732(1)(b);
- 3. Respondent is a "sex offender" who is required to register under chapter H.R.S. §846E;
 - 4. The victim in the case was thirteen (13) years of age at the time of the offense;
- 5. On September 8, 2004, Respondent was served the <u>Petition for an Order Permitting</u>

 <u>Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public</u>

 <u>pursuant to H.R.S. §846E-3</u> and a hearing was set for October 12, 2004;
- 6. On September 16, 2004, Respondent filed a Response to the State of Hawaii's

 Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is

 Necessary to Protect the Public pursuant to H.R.S. §846E-3;
- 7. On October 12, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), and (4) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

- 8. At the hearing on October 12, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
- 9. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
- 2. The duration of public release of information shall be for a period of ten (10) years commencing upon the release of Respondent from incarceration.

Dated at Honolulu, Hawaii: October 12, 2004.

APPROVED AND SO ORDER SECULO

The Honorable Karl K. Sakan See Judge of the Above-Entitled Court

APPROVED AS TO FORM:

RONETTE M. KAWAKAMI

Ronette M. Kawakami Deputy Public Defender Attorney for Respondent

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE of POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

DEFENDANT: SOPHORN VONG CR. NO.: 04-1-0959		DPA: Rowena Somerville SP NO.: 04-1-0293				
					SCT. NO.:	
CONVICTION DATE: 7-20-04		CUSTODY STATUS: Federal Detention Center				
	<u> </u>	·				
37	Y CO2000 #	- 1				
	ICTIM	RPT. NO.	D/O		CHARGE	CLASS
Philina Kor	ng	04191326	4-4-04		Sexual Assault 1°	A
		04155732	4-4-04		Sexual Assault 1°	A
		04191324	4-4-04	. t	Sexual Assault 3°	C
	•	04191325	4-4-04	1	Sexual Assault 3°	Č
· · · · · · · · · · · · · · · · · · ·		04191660	4-4-04	- 1	Sexual Assault 3°	$ \tilde{\mathbf{c}} $
⊠ 1.	Highlight convi- (If not sure, give filed in sex case	s.)	extended term; so ask whether only	ent, of re	epeat offender; conviction of contract are needed for hearing or	rime against children. a potition needs to be
2 .	Deft. has previous Fill out new che	us sex/other convictions. Cr cklist for each case.	. No(s):			
⊠ 3.	File Location: If none, check M	opellate staff for file locationed?	tion from file (sex	rch by d offense:	eft's name.) s only).	
⊠ 4.	Request NCIC participation Requested: 7-14	rintout from ISD. Route to I -04 Received: 7-16-04	DPA to highlight a	pplicabl	e convictions, if any,	
□ 5.	Out-of-state sex (Per DPA: D Letter sent:	conviction: send letter to apportunents not needed	I Request docume	equestii ents	ng documents.	
፟ 6.	Requested: 7-14	~ ABDA (ION III 11UVITO' 1770 C'	ase Not in HAJIS	request	tment/Complaint & Judgment/I form.	Mittimus.
⊠ 7.	PSI: 🐹 In file.	No. Request from Che				
⊠ 8.		In file.	CID closing report,	victim'	s statement, and transcribed sta	tement of victim
☒ 9.	Deft's custody: c	heck current custody log	al Detention Cour	.		

	Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system. Address same as rap sheet. Add'l address:
☑ 10.	To Rowena for approval to file petition.
Cont	. with A. or B.
<u>A. S</u>	ENTENCE or POST-SENTENCE - MORE THAN 30 DAYS:
⊠ n.	Type Petition (Old Cases) and Return of Service - 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment & Mittimus) 1. To Rowena to sign. 2. Copies: Petition: (7): PA, private DA or PD, Deft. (cert.), Hrg. Judge, Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition filed. 3. Stamp "Received by" stamp on PA copy.
⊠ 12.	Submit Petition for filing. On route slip, request that Messenger return all copies except Judges' copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute on Judges' copies.
	Petition filed: 7-26-04. Type SP No. on Return of Service.
図 13.	Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
⊠ .14.	Hoku: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes screen. Hearing date: use upcoming sentence date or hrg. date.
X 15.	Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened). Hold file until Petition served and investigator returns Return of Service.
⊠ 16.	Scrve Petition on Dest: use Scx Offender Investigator Request form to have Investigator (1) serve petition on dest. by due date (30 days before hearing date); (2) have dest. sign on PA copy; and (3) fill out Return of Service, including date (and appearance given to dest. Attach Dest.'s detail screen from Hoku. Date given to ISD: 7-27-04 Served: 9-8-04
⊠ 17.	Copies of Return of Service: (6) PA, private DA or PD, Deft., Hrg. Judge, Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: 9-16-04; 10:00; Judge Perkins Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). Notes: SP No.
- L	

- Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacker. If deft. has a private attorney in his criminal case, leave copy of Petition and Return of Service in file.
- SP file to Rowens for initial appearance hearing. Rowens will give private DA copy of Petition and Return of Service. Criminal file to DPA.

Cont. with 20.

B. PA	AU CASES:
□ 11.	Type Petition (Old Cases) and Return of Service - 1 per cr, no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus) 1. To Rowena to sign. 2. Copies: Petition: (6); PA, PD, Deft.(cert.), Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition served. 3. Stamp "Received by" stamp on PA copy.
12.	Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.
	Petition filed: Type SP No. on Return of Service.
□ 13.	Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
□ 14.	Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.) ADPA (if necessary) SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen. Note: Temporarily use filed date as hrg. date. FILE Location: with you awaiting service of Petition.
□ 15.	Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.
□ 16.	Serve Petition on Deff: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.(4) due date is 30 days from request. Attach Deft.**s detail screen from Hoku. Date given to ISD: Served:
☐ 17.	Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). SP No.
☐ 18.	Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.
☐ 19.	File(s) to Rowena for initial appearance hearing.
Cont.	with 20.

AFTER INITIAL APPEARANCE HEARING:

💢 20. Hoku: Dispo. SOIA

SOP transaction: enter Pctition hearing date.

21. Return file(s) to Rowenz for hearing.

AFTER PETITION HEARING:

- X 22. Hoku. Dispo. SOP (Petition hearing). Disposition: Granted. Duration: 10 vrs.
- Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
 Copies: (5) PA, DA or PD, Deft., Judge, s/o
 Sent out: 10-12-04. Filed: 10-21-04.
 Hoku: SOOG or SOOD. Notes: SP No.
- 24. Fax copy of Order and this form to Norma Ucno, HCJDC, for completion and transmittal to Kurt Spohn. 10-22-04
- 25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.
 If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
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1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 547-7513
Attorneys for Petitioner



2004 AUG -3 AM 9: 57

M. LIVICA CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,) S.P. NO. 04-1-01/6		
) (Criminal No. 02-1-2524)		
Petitioner.			
	ORDER PERMITTING PUBLIC		
v.) RELEASE OF SEX OFFENDER'S		
	RELEVANT INFORMATION THAT IS		
MATIAS ULANGCA, JR.,	NECESSARY TO PROTECT THE		
) PUBLIC PURSUANT TO H.R.S. §846E		
Respondent.) 3(B)		
)) Hearing: July 19, 2004		
) Time: 10:45 a.m.		
) Judge: Derrick H.M. Chan		
)		
	,		

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3(B)

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's</u>

Relevant Information that is <u>Necessary to Protect the Public pursuant to H.R.S. §846E-3(b)</u>, having come on for hearing on July 19, 2004, before the Honorable Derrick H.M. Chan, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Matias Ulangea, Jr., being present and represented by Deputy Public Defender Jerry A. Villanueva, and the

Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On March 17, 2004, Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: H.R.S. Sections 707-731(1)(a) and 707-733(1)(a);
- 3. On March 17, 2004, Respondent was sentenced as a "repeat offender" pursuant to H.R.S. Section 706-606.5;
- 4. On May 27, 2004, Respondent was served the <u>Petition for an Order Permitting Public</u>

 Release of Sex Offender's Relevant Information that is Necessary to Protect the <u>Public pursuant to</u>

 H.R.S. §846E-3(b) and a hearing was set for July 19, 2004;
- 5. On July 16, 2004, Respondent filed a Response to the State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3(b);
- 6. On July 19, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 7. At the hearing on July 19, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
- 8. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3(b) shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for the life of the sex offender.

Dated at Honolulu, Hawaii: July 26, 2004.

AUG - 2 2004

APPROVED AND SO ORDERED:

DERRICK H.M. CHAN

The Honorable Derrick H.M. Charl Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Jerry A. VII LANUEVA
Jerry A. Villanueva
Deputy Public Defender
Attorney for Respondent Ulangea

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE & POST-SENTENCE-MORE THAN 30 DAYS/ PAU CASES BEFORE 5/1/04

CR. N	O. <u>02-1-2524</u>	SP N	VO. <u>04-</u> 3	L - 0176		•
	SC No.	Conviction Date 11-12-03		Custody Halawa Corre		Facility
Ма	<u>Victim</u> ile Busano-Leleo	Rpt. No. 01486468 01489061	D/O 12-20-01	Char Sex. Assa		Class B
[X]1.	Run rap sheet (criminal and a Highlight conviction(s): children. (If not sure, give petition needs to be filed in a	r. no(s).; sent. of extended to Rowena to highlight and ex cases.)	term; sent. of ask whether	repeat offender; conly documents are	onviction of needed for	crime against hearing or a
[]2.	Deft. has previous sex/other Retrieve file(s), obtain cert.	convictions. Cr. No(s):	D rpts. for ALI	cases.		·
[]3.	Check Hoku or pull White C Fill in information above or s File Location: If none, check MRRC logs: Appeal? Ask Appellate staff [] File destroyed?	retrieve information from file	(sex offenses	only).		
[X] 4.	Request NCIC printout from Requested: 5-14-04	ISD. Route to DPA to high! Received:	ight applicable	convictions, if any.		
[]s.	Out-of-state sex conviction: Per DPA: [] Documents n Letter sent:	ot needed Request do	cuments	g documents.	_	
[X]6.	Request certified "usual" do If file destroyed & case not i Requested:5-14-04 NOTE: Make a copy of any	cuments. NOTE: Certify 2 c in HAJIS, use "Case Not in H Received: documents that are not in ou	AJIS" request 5-14-04	ment/Complaint & form.	Judgment/Mi -	ttimus.
[X]7.	PSI: [X] In file. [] No. :	Request from Cheryl Inouye,				
[X]8.	HPD Report: [] In file. [victim from HPD Records. Requested: Xcrox 1 copy (to be redacted)		report, victim' 2-13-02	s statement, and tra	nscribed state	ement of

X]9.	Deft's custody: check current custody log. [] Out of custody [X] Custody: Halawa Correctional Facility
	[] Out of custody [X] Custody: Halawa Correctional Facility Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system.
	Last known address; search PRODUCES (ADLA & March)
	[] Address same as rap sheet. [] Add'l address:
	Type Petition (Old Cases) and Return of Service - 1 per cr. no.
[x]10.	Type Petition (Old Cases) and Return of Service: The first sheet or sex offender rap or sex offender list or custody Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody
	Deft's address(es) on Certificate of Service: take from addresses
	check. Multiple addresses: use "AND/OR" between addresses.
•	Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
	[X] To Rowena to sign.
	[X] Copies: Petition: Sent./Post-Sent.: (7): PA, DA, Deft., Sent. Judge, Judge Perkins, Legal Docs., s/o
	Petition: pau case: (6): PA. DA. Dell., Judge Petkins, Legal Dols., 80
	Return of Service: make copies after Petition filed.
	X Stamp "Received by" stamp on PA copy.
	Cont, with A. or B.
4	ENTENCE/POST-SENTENCE - MORE THAN 30 DAYS:
A. SI	
	Submit Petition for filing. On route slip, request that Messenger return all copies except Judges' copies. Messenger submit Petition for filing. On route slip, request that Messenger return all copies except Judges' copies. Messenger will distribute
[]11.	Submit Petition for filing. On foure sup, request that interacting in the stamp document. Messenger will distribute will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute
	will take to Legal Does, who will sign Summons, assign Sr 176. and 116-35-35-35
	only Judges' copies.
	The CD No. on Debut of Service
*	Petition filed: Type SP No. on Return of Service.
	A Charles Communication Circuit Court jacket (to be sent weekly).
[]12.	Copy of 1st page of filed Petition to Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
	many and OWNT, in department
[]13.	Hoku: SOP (Sex Offender Petition). Notes: SP No. Add SP No. in detail screen.
	Hearing date: use upcoming sentence date or hrg. date.
	the control of the control of the specific is organical.
[]14.	Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).
	Hold file until Petition served and Investigator returns Return of Service.
	to be a Very Very set of the provider (1) name and the provider on daff by due
[]15.	Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft. by due
	date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fin out Return of defvice, including
	1 Mil annument of the Add
	Date given to ISD: Served:
[]16.	Copies of Return of Service: (6) PA, DA, Deft., Hrg. Judge, Judge Perkins, s/o. File Return of Service.
£ 1.0.	Copies of Return of Service: (6) FA, DA, Dett., Fig. 3 angle 3
	gotten his copy of Petition).
	Habry COLA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. In detail screen.
	SORP (Return of Service). Notes: of Sex Offender Petition. SP No.
c 210	Copy of Petition & Return of Service to PD's Office, Susan Arnett: send via Circuit Court jacket.
[]17.	
	File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service.
[]18.	tile to kowens for thrust appearance near side. You will also any about the side of the si
	with 19.

Q11.	Submit Petition for filing. 'On route slip, request that Messenger return all copies except Judge Perkins' copy.
	Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.
	Petition filed; 5-20-04 . Type SP No. on Return of Service.
X]12.	Copy of 1st page of filed Petition to Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
]13.	Hoku: White card case or Out-of-State case: ADD case in Hoku. ADPA (if necessary)
	SOP (Sex Offender Petition). Notes: SP No. Add SP No. in detail screen. Note: Temporarily use filed date as hrg. date.
	FILE Location: with you awaiting service of Petition.
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	If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.
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y]15.	deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date
	is 30 days from request. Date given to ISD:
∀ 16.	Copies of Return of Service: (5) PA, DA, Dest., Judge Perkins, s/o. File Return of Service. Make sure Judge Perkins
- Al " "	gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
	Initial appearance date:
	Hittida appearation date:
	Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen.
C 717	Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen. SORP (Return of Service). Notes: of Sex Offender Petition. SP No.
[]17.	Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen. SORP (Return of Service). Notes: of Sex Offender Petition. SP No. Copy of Petition & Return of Service to PD's Office, Susan Arnett: send via Circuit Court jacket.
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7 18.	 Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen. SORP (Return of Service). Notes: of Sex Offender Petition. SP No. Copy of Petition & Return of Service to PD's Office, Susan Amett: send via Circuit Court jacket. File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service. If DPA no longer with the office, give both criminal and SP files to Rowena.
[]17. []18. Cont. b	 Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen. SORP (Return of Service). Notes: of Sex Offender Petition. SP No. Copy of Petition & Return of Service to PD's Office, Susan Amett: send via Circuit Court jacket. File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service. If DPA no longer with the office, give both criminal and SP files to Rowena.
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[3]18. Cont. b AFTE [3]19.	Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen. SORP (Return of Service). Notes: of Sex Offender Petition. SP No. Copy of Petition & Return of Service to PD's Office, Susan Amett: send via Circuit Court jacket. File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service. If DPA no longer with the office, give both criminal and SP files to Rowena. elow. RINITIAL APPEARANCE HEARING: Hoku: Dispo. SOIA
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[X]18. Cont. b AFTE [X]19. [X]20. AFTE [X]21. [X]22.	Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen. SORP (Return of Service). Notes: of Sex Offender Petition. SP No. Copy of Petition & Return of Service to PD's Office, Susan Arnett: send via Circuit Court jacket. File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service. If DPA no longer with the office, give both criminal and SP files to Rowena. elow. R INITIAL APPEARANCE HEARING: Hoku: Dispo. SOIA SOP transaction: enter Petition hearing date. Return file to Rowena for hearing. R PETITION HEARING: After hearing: Dispo. Hoku. Disposition:granted i fe. Type Order Permitting or Order Denying. Hoku: SOOG or SOOD. Notes: SP No. Interpret posting date: SI G Ot Jul. Interpret posting date: SI G Ot Jul.
[X]18. Cont. b AFTE [X]19. [X]20.	Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen. SORP (Return of Service). Notes: of Sex Offender Petition. SP No. Copy of Petition & Return of Service to PD's Office, Susan Arnett: send via Circuit Court jacket. File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service. If DPA no longer with the office, give both criminal and SP files to Rowena. elow. RINITIAL APPEARANCE HEARING: Hoku: Dispo. SOIA SOP transaction: enter Petition hearing date. Return file to Rowena for hearing. R PETITION HEARING: After hearing: Dispo. Hoku. Disposition:granted

POSECUTING ATTORNEY

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813

Ph: 547-7400 FAX: 527-6546 Attorneys for Petitioner RECEIVED STATE OF HAWAII
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J. KUBO CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,) S.P. NO. 04-1-0230
) (CR. No. 04-1-0714)
Petitioner.	
) ORDER PERMITTING PUBLIC
v.) RELEASE OF SEX OFFENDER'S
) RELEVANT INFORMATION THAT IS
ANACITO A. DALUMPINIS,) NECESSARY TO PROTECT THE
) PUBLIC PURSUANT TO H.R.S. §846E-3
Respondent.)
) Hearing: October 8, 2004
) Time: 8:30 a.m.
) Judge: Karl K. Sakamoto
),
)

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's</u>

Relevant Information that is <u>Necessary to Protect the Public pursuant to H.R.S. §846E-3</u>, having come on for hearing on October 8, 2004, before the Honorable Karl K. Sakamoto, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent,

being present and represented by Deputy Public Defender Jerry A. Villanueva, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On August 31, Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor" as those terms are defined in H.R.S. §846E-1, to wit: two (2) counts of Sexual Assault in the Third Degree pursuant to H.R.S. Section 707-732(1)(c);
- 3. Respondent is a "sex offender" who is required to register under chapter H.R.S. §846E;
 - 4. The victim in the case was fourteen (14) years of age at the time of the offense;
- 5. On August 31, 2004, Respondent was served the <u>Petition for an Order Permitting</u>

 <u>Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for October 8, 2004;</u>
- 6. On September 13, 2004, Respondent filed a Response to the State of Hawaii's

 Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is

 Necessary to Protect the Public pursuant to H.R.S. §846E-3;
- 7. On October 8, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), and (4) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 8. At the hearing on October 8, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

9. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for a period of ten (10) years.

Dated at Honolulu, Hawaii: October 8, 2004.

APPROVED AND SO ORDER LACUTOR SEAL STALL SAkamoto

The Honorable Karl K. Sakame SOF HARD Judge of the Above-Entitled Court

APPROVED AS TO FORM:

JERRY A. VILLANUEVA

Jerry A. Villanueva Deputy Public Defender Attorney for Respondent

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

DEFENDANT: Anacito A. Dalumpinis				DPA: Rowena Somerville				
CR, NO.: 04-1-0714			SP NO.: 04-1-0230					
	r. NO.:			•				
CONVICTION DATE: 8-31-04			CUSTODY	STATUS:	OCCC			
		<u> </u>						
	VIC	CTIM	RPT. NO.	D/O	CI	HARGE	C	LASS
\vdash		a Dalumpinis	04-075537	2-21-04	Sex Assa	ult 3°	C	
			04-140230	2-21-04	Sex Assa	ult 3°	C	
	⊠ 1.	Highlight convicti (If not sure, give to filed in sex cases.)		f extended term; s d ask whether only	ent. of repeat offen documents are ne	der; conviction of coded for hearing of	f crime agains or a petition n	t children. ceds to be
	☐ 2.	Deft. has previous Fill out new check	sex/other convictions. C list for each case.	Cr. No(s):				
	⊠ 3.	Fill in information File Location: If none, check MR	cliate staff for file locati	ation from file (sex	arch by deft's name coffenses only).			
	⊠ 4.	Request NCIC pri Requested: <u>6-17-</u>	ntout from ISD. Route to 04 Received:	DPA to highlight	applicable convicti	ons, if any.		
	□ 5.	Out-of-state sex cor Per DPA: Do Letter sent:	onviction: send letter to ocuments not needed Documents received	Request docui	requesting docum nents	ents.		
	፟ 6.	If file destroyed & Requested: 6-25-	'usual" documents. NOT case not in HAJIS, use ' MARcceived: opy of any documents the	"Case Not in HAJI	S" request form.	mplaint & Judgm	ent/Mittimus.	
	☑ 7.		No. Request from C	Cheryl Inouye, API),),	•		
	፟ 8.	from HPD Record	In file.	st CID closing repo	ort, victim's stateme	ent, and transcribe	ed statement o	f victim
•	⊠ 9.	Out of custo Last known addre	ss: search PRODCICS (n .		
	⊠ 10.	To Rowena for ap	proval to file petition.					

Cont. with A. or B.

□ 11.	Type Petition (Old Cases) and Return of Service - 1 per cr. no.
_ ···	Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody
	check. Multiple addresses: use "AND/OR" between addresses.
	Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment & Mittimus) 1. To Rowena to sign.
	 Copies: Petition: (7): PA, private DA or PD, Deft. (cert.), Hrg. Judge, Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition filed. Stamp "Received by" stamp on PA copy.
12.	Submit Petition for filing. On route slip, request that Messenger return all copies except Judges' copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges' copies.
	Petition filed: Type SP No. on Return of Service.
13.	Xcrox 1* page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
_/	
₩14.	Hoku: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes screen. Hearing date: use upcoming sentence date or hrg. date.
15.	Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened). Hold file until Petition served and Investigator returns Return of Service.
□ 16.	Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.
	Print and attach 1st page of Sex Offender rap sheet.
/	Date given to ISD: Served:
1 7.	Copies of Return of Service: (6) PA, private DA or PD, Deft., Hrg. Judge, Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: 8-31-04
	Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). Notes: SP No.
☑ 18.	Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. has a private attorney in his criminal case, leave copy of Petition and Return of Service in file.
19.	(Served at open court 8-31-04) SP file to Rowena for initial appearance hearing. Rowena will give private DA copy of Petition and Return of Service. Criminal file to DPA.

Cont. with 20.

AFTER INITIAL APPEARANCE HEARING:

20. Hoku: Dispo. SOIA
SOP transaction: enter Petition hearing date.

21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:

22. Hoku. Dispo. SOP (Petition hearing). Disposition: 10-8-04
23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing. Copies: (5) PA, DA or PD, Deft., Judge, s/o Sent out: ______ Filed: 10-18-04
Hoku: SOOG or SOOD. Notes: SP No.

24. Fax copy of Order and this form to Norma Ueno, HCIDC, for completion and transmittal to Kurt Spohn.
10-26-04

Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).

Hoku: FILE Location.

If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.

If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

recid on NOV 1 2004

PETER B. CARLISLE 2209
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Ph: 547-7400
FAX: 527-6546

Attorneys for Petitioner

IST CIRCUIT COURT STATE OF HAWAII FILED

2004 DCT 29 PM 2: 44

R. HIGA

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,) S.P. NO. 04-1-0277
Petitioner.) (FC-CR. No. 04-1-0014)
v. WARREN L. HANEY, JR.,	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3
Respondent.	Hearing: October 27, 2004 Time: 8:30 a.m. Judge: Michael A. Town

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on October 27, 2004, before the Honorable Michael A. Town, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent WARREN L. HANEY, JR., being present and represented by Deputy Public Defender Travis J.L.</u>

Stephens, Jr. and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: three (3) counts of Sexual Assault in the Third Degree pursuant to H.R.S. Section 707-732(1)(b), and one (1) count of Sexual Assault in the Third Degree pursuant to H.R.S. Section 707-732(1)(c);
- 3. The victim was under the age of twelve (12) on the date of offense in three of the counts;
- 4. On October 27, 2004, Respondent was sentenced to five (5) years probation as to each count, with ninety (90) days of incarceration, to run concurrently;
- 5. On August 23, 2004, Respondent was served the <u>Petition for an Order Permitting</u>

 <u>Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public</u>

 <u>pursuant to H.R.S. §846E-3</u> and a hearing was set for October 27, 2004;
- 6. On September 2, 2004, Respondent filed a Response to the State of Hawaii's Motion for Default Judgment and Order Granting Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;
- 7. On October 27, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), and (4) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

- 8. At the hearing on October 27, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
- 9. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for the life of the sex offender.

Dated at Honolulu, Hawaii: October 27, 2004.

APPROVED AND SO ORDERED

MICHAEL A. TOWN

The Honorable Michael Town Judge of the Above-Entitled Court

APPROVED AS TO FORM:

"RAVIS 11. STEPHENS, JA

Travis J.L. Stephens, Jr. Deputy Public Defender Attorney for Respondent

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

COP or VERDICT or SENTENCE or POST-SENTENCE-LESS THAN 30 DAYS (After 5/1/04)

DEFENDANT: HANEY JR., Warren L.	DPA: Rowena Somerville
CR. NO.: F04-1-0014	SP NO.: 04-1-0014
SCT. NO.:	
CONVICTION DATE: 08-23-04	CUSTODY STATUS: OCCC

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Dayna Haney	03220317	8/1/97-6/1/98	SA3°	C
	03220318	11 11	SA3°	C
	03317087	11 11	SA3°	lč
	03225957	6/4/03	SA3°	Ċ

AFTER A&P:

⊠ l.	Print rap sheet (criminal and sex offender full inquiry) Highlight conviction(s): cr. no(s).; sent. of extended term; sent. of repeat offender; conviction of crime against children (if not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to b filed in sex cases.)
2 .	Deft. has previous sex/other convictions. Cr. No(s): Fill out new checklist for each case.
⊠ 3.	Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any. Received: Received:
□4.	Out-of-state sex conviction: send letter to appropriate agency requesting documents. Per DPA: Documents not needed Request documents Letter sent: Documents received:
⊠ 5.	Certify 2 copies of Indictment/Complaint (1 for Petition; 1 for Rowena).
⊠ 6.	HPD Report. In file. Not received yet.
☑ 7.	Deft's custody: check current custody log Out of custody Custody: Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system. Address same as rap sheet. Add'l address:
⊠ 8.	Type Petition (Old Cases) and Return of Service – 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibit 1 (cert. Indictment/Complaint). 1. To Rowena to sign. 2. Copies: Petition: (6): PA, private DA or PD, Deft. (cert.), Judge, Legal Docs., s/o Return of Service: make copies after Petition filed. 3. Stamp "Received by" stamp on PA copy.
⊠ 9.	Place Petition and copies in manila envelope, stamp "Sex Offender Petition packet" on envelope and leave in criminal file.

Cont. with A, B, or C.

<u>A.</u>	COP SET:
1 0.	Inform Rowena of COP date,
⊠ 11.	At least 4 days before COP date: submit Petition to COP Judge. On route slip, (I) request court to set initial appearance on the same date as sentence; and (2) request Messenger to return all copies except Judge's copy. Judge's cierk will sign Summons, fill in date and time, conform copies, and initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.
	Petition filed: 8/23/04. Type SP No. on Return of Service.
☒ 12.	Xerox 1* page of filed Petition for Kurr Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
13.	Hoku: SOP (Sex Offender Petition) Notes: Enter SP No. in detail screen and Notes field. Note: Temporarily use filed date as hearing date. SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.
⊠ 14.	Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).
⊠ 15.	Place filed Petition and Return of Service in SP file and give to Rowens to take to COP hearing.
INITIA	AL APPEARANCE (IMMEDIATELY AFTER COP HEARING):
☑ 16.	DPA will distribute copies to defense atty., and have deft. sign on PA copy of Petition. DPA will fill out Return of Service and return to you to have filed: Copies: (5) PA, DA or PD, Deft., Judge, s/o
☑ 17.	Dispo. Hoku: Sentence Date: 10/27/04 Hoku: Dispo. SOIA and SOP (cuter hearing date) Add: SORP (Return of Service). SP No.
⊠ 18.	Certified documents: certify Order Appointing Counsel and Guilty Plea and Icave in SP file. (Note: Indictment/Complaint was probably already obtained.)
☑ 19.	Return SP file to Rowena.
Cont. w	ith AFTER PETITION HEARING.
B. ST	FART OF TRIAL:
□ 10.	Inform Rowena when trial starts.
INITIA	L APPEARANCE (IMMEDIATELY AFTER GUILTY VERDICT):
□ 11.	DPA will submit Petition to Trial Judge. Clerk will call Legal Docs. for SP No., sign Summons, fill in sentence date and time, conform copies, file in open court, and certify deft's copy. DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition. DPA will fill our SP No. on Return of Service, complete form, and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o
· • • • • • • • • • • • • • • • • • • •	Petition filed:
12.	Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)

☐ 13.	 Sentence Date: Hoku: Add and Dispo: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field. Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field. SORP (Return of Service). Notes: SP No. 			
14 .	Open new SP file. Write red SP No. o	on top left corner	of criminal file (this wi	ll alert you that an SP file is opened).
15 .	Certified documents: certify Order Ap (Note: Indictment/Complaint was pro			orm from Legal Docs. and leave in SP file
□ 16.	Return SP file to Rowena.			
Cont. w	rith AFTER PETITION HEARING.			

C. SENTENCE/POST-SENTENCE HEARING SET (LESS THAN 30 DAYS):

Submit Petition to Sentence Judge. On route slip, (1) request court to set initial appearance on the same date as sentence or hrg.; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.

Petition filed: 8/23/04. Type SP No. on Return of Service.

- 11. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
- 2 12. Hoku: Transaction: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.
- 2 13. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).
- 14. Place filed Petition and Return of Service with copies in SP file for Rowens to take to Sentence hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER SENTENCE):

- DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition. DPA will fill out Return of Service and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o
 Court will set Petition hearing date.
- Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field. SORP (Return of Service). Notes: SP No.
- ☐ 17. Return file to Rowena for petition hearing.

AFTER PETITION HEARING:

- Scnd out Order Permitting or Order Denying (prepared by Rowena) for filing.
 Copies: (6) PA, DA or PD, Deft., Judge, s/o
 Sent out: 1027/04. Filed: 10/29/04.
 Hoku: SOOG or SOOD. Notes: SP No.
- Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.
 10/30/04
- 23. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.

 If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

HUTSO

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
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Attorneys for Petitioner

STATE OF HAWAIT FILED

2004 AUG -4 PM 2: 42

B. TERAOKA CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,) S.P. NO. 04-1-0213) (Criminal No. 02-1-0546)
Petitioner.) (Criminal No. 02-1-0546)
v. JEFF QUEL, Respondent.	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3
	Hearing: July 29, 2004 Time: 8:45 a.m. Judge: Karl K. Sakamoto

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's</u>

Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on July 29, 2004, before the Honorable Karl K. Sakamoto, the State of Hawaii

being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Jeff Quel being present and represented by Lane Y. Takahashi, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On April 8, 2004, the jury found Respondent guilty as charged, for Sexual Assault in the First Degree;
- 3. Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: H.R.S. Sections 707-731(1)(a) and 707-733(1)(a);
- 4. On June 29, 2004, Respondent and his attorney, Lane Takahashi were served the Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3(b) and a hearing was set for July 29, 2004;
- 5. Judge Sakamoto informed Respondent that he had to respond to the Petition within twenty (20) days after service;
- 6. Respondent failed to answer, plead, or otherwise defend against the Petition within twenty (20) days after service;
- 7. On July 22, 2004, Petitioner filed a notice of entry of default, and the clerk entered default against Respondent;
- 8. On July 26, 2004, Petitioner filed a Motion for Default Judgment and Order Granting

 Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is

 Necessary to Protect the Public pursuant to H.R.S. §846E-3 (hereinafter "Motion for Default

 Judgment");

- 9. On June 29, 2004, Respondent was sentenced as a "repeat offender" pursuant to H.R.S. Section 706-606.5;
- 10. On July 29, 2004, Petitioner's Motion for Default Judgment was granted, thereby permitting the public release of Respondent's relevant information that is necessary to protect the public and therefore entering the following orders;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. 846E shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for the life of the sex offender. Dated at Honolulu, Hawaii: July 29, 2004.

APPROVED AND SO ORDERED

Karl K. Sakameto

The Honorable Karl K. Sakamoto Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Lane Y. Takahashi

Attorney for Respondent Quel

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

COP/VERDICT/SENTENCE/POST-SENTENCE HEARING LESS THAN 30 DAYS (After 5/1/04)

	ENDANT:JEFF_Q	UEL	DPA: _	Rowena Somervil	le		
0	<u>Cr. No.</u> <u>S</u> 2–1–0546	SC No.	Conviction Date		Custody Status Halawa Correctiona		
				Facility,			
	<u>Victim</u>	Rpt. No.	D/O	Charge	Class		
<u>Me</u>	ean Moananu	01146291	3/1-3/31/01	Sex. Asslt. 1°	<u> </u>		
* Æ.LÆ.	R A&P:						
(x)1.		nd sex offender full inquiry)					
	Highlight conviction(s):	cr. no(s).; sent. of exten	ded term; sent. of repeat	offender; conviction of a	crime against		
	hearing or a petition need	ls to be filed in all cascs.)	I to highlight and ask who	ether only documents are	required for		
[]2.	hearing or a petition need Deft. has previous sex/otl	In the to assigned DPA or JM is to be filed in all cases.) ther convictions. Cr. No(s): ert. documents, PSI, and cert.		ether only documents are	required for		
[]2.	Deft. has previous sex/otl Retrieve file(s), obtain ce	Is to be filed in all cascs.) her convictions. Cr. No(s): ert. documents, PSI, and cert. is CASE(S):	HPD rpts. for all cases.		required for		
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[]2.	hearing or a petition need Deft. has previous sex/otl Retrieve file(s), obtain ce FOR PREVIOUS [] NO FILE. [] Certify "usused Requested [] PSL: request Requested [] Request certify	Is to be filed in all cases.) ther convictions. Cr. No(s): tr. documents, PSI, and cert. CASE(S): [] YES FILE. Retrieved From all documents. trom Cheryl Inouye, ACS: copy of CID closing report; 25	HPD rpts. for all cases. om: Received:		required for		
[]2. [X]3.	hearing or a petition need Deft. has previous sex/otl Retrieve file(s), obtain ce FOR PREVIOUS [] NO FILE. [] Certify "usu- Requested [] PSI: request Requested [] Request cert Requested: Request NCIC printout at	Is to be filed in all cases.) her convictions. Cr. No(s): rt. documents, PSI, and cert. ic CASE(S): [] YES FILE. Retrieved From the comments. it from Cheryl Inouye, ACS: it copy of CID closing report; 25 and custody check (custody and custody check (custody and custody check).	HPD rpts. for all cases. m: Received: Received: 2 statement; transcribed statem Received: nd last known address) from	nent of victim from HPD:	required for		
	Deft. has previous sex/oil Retrieve file(s), obtain ce FOR PREVIOUS [] NO FILE. [] Certify "usu- Requested [] PSI: request Requested: [] Request cert Requested: Request NCIC printout at applicable convictions, if Requested: 6-23-0	Is to be filed in all cases.) her convictions. Cr. No(s): rt. documents, PSI, and cert. ic CASE(S): [] YES FILE. Retrieved From the comments. it from Cheryl Inouye, ACS: it copy of CID closing report; 25 and custody check (custody and custody check (custody and custody check).	HPD rpts. for all cases. m: Received: 2 statement; transcribed statem Received: ad last known address) from ved: 6-24-04	nent of victim from HPD:	required for		
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[X]3.	Deft. has previous sex/otl Retrieve file(s), obtain ce FOR PREVIOUS [] NO FILE. [] Certify "usu- Requested [] PSI: request Requested: [] Request cert Requested: [] Request cert Requested: Request NCIC printout an applicable convictions, if Requested: [] Out of custody Out-of-state sex convictions Per DPA: [] Document Letter sent:	Is to be filed in all cases.) ther convictions. Cr. No(s): rt. documents, PSI, and cert. GCASE(S): [] YES FILE. Retrieved Freal? documents. throm Cheryl Inouye, ACS: throm Cheryl Inouye, ACS: copy of CID closing report; 2s and custody check (custody are any. 4 Recei [X] Custody: Halawa on: send letter to appropriate a not needed [1] Recei	HPD rpts. for all cases. m: Received: 2 statement; transcribed statem Received: ad last known address) from ved: 6-24-04 Correctional Faces agency requesting documents eived:	nent of victim from HPD: n ISD. Route to DPA to h	required for		

[]7.	Type Petition and Return of Service – 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or from custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibit 1 (Indictment/Complaint). [] To Rowena to sign. [] Make copies: Petition: (6) PA, DA, Deftcertified, Judge, Legal Docs., s/o Return of Service: make copies after Petition filed.
	[] Stamp "Received by" stamp on PA copy.
	After A&P only: Place Petition and copies in manila envelope, stamp "Sex Offender Petition packet" on envelope and leave in criminal file. Keep s/o for yourself.
	Or else cont. with A., B., or C.
A. (COP SET:
[]8.	Inform Rowens of COP date.
[]9.	At least 4 days before COP date: submit Petition to COP Judge. On route slip, request (1) court set initial appearance be set for same date as sentence; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, and initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.
	Petition filed: Type SP No. on Return of Service. Copies: (5) PA, DA, Deft., Judge, s/o.
[]10.	Copy of 1st page of filed Petition to Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
[]11.	Hoku: SOP (Sex Offender Petition) Notes: SP No. Enter SP No. in detail screen. Note: There will be no hearing date entered yet. SOIA (Sex Offender Initial Appearance) Notes: SP No. Enter SP No. in detail screen.
[]12.	Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).
[]13.	Place filed Petition and Return of Service with copies in SP file and give to Rowena to take to COP hearing.
INITL	AL APPEARANCE AFTER COP:
[]14.	DPA will distribute copies to defense atty., and have deft, sign on PA copy of Petition. DPA will fill out Return of Service and file in open court.
[]15.	Dispo. Hoku: Sentence Date: Hoku: Dispo. SOIA and SOP Add: SORP (Return of Service). Notes: add title of Petition. SP No.
Cont.	with 16.

<u>В, sт</u>	ART OF TRIAL:
[]8.	Inform Rowena when trial starts.
AFTER	GUILTY VERDICT:
[]9.	DPA will submit Petition to Trial Judge. Clerk will call Legal Docs. for SP No., sign Summons, fill in sentence date and time, conform copies, file in open court, and certify deft's copy.
	DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition. DPA will fill our SP No. on Return of Service, complete form, and have file-stamped in open court.
	Petition filed:
[]10.	Copy of 1st page of filed Petition to Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
[]11.	Sentence Date:
	Hoku: Add and Dispo: SOIA (Sex Offender Initial Appearance) Notes: SP No. Enter SP No. in detail screen. Add: SOP (Sex Offender Petition) Notes: SP No. Enter SP No. in detail screen. SORP (Return of Service). Notes: add title of Petition. SP No.
[]12.	Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).
[]13	Place filed Petition and Return of Service in SP file for Rowena to take to Sentence hearing.
Cont. w	rith 16.
~ ~	ENTENCE/POST-SENTENCE HEARING SET (LESS THAN 30 DAYS):
<u>C.</u> s	
[X]8.	Submit Petition to Sentence Judge. On route slip, request (1) court set initial appearance same date as sentence; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and tin conform copies, initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.
	Petition filed: 6-25-04 Type SP No. on Return of Scrvice.
	Copies: (5) PA, DA, Deft., Judge, s/o.
[X]9.	Copy of 1st page of filed Petition to Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
[X]10.	Hoku: Transaction: SOIA (Sex Offender Initial Appearance) Notes: SP No. Enter SP No. in detail screen.
(X)11.	Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).
[X]12.	Place filed Petition and Return of Service with copies in SP file for Rowena to take to Sentence hearing.
INITE	AL APPEARANCE AFTER SENTENCE:
[図13.	DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition. DPA will fill out Return of Service and file in open court.
	Court will set Petition hearing date.
[X]14.	Hoku: Dispo. SOIA Add: SOP (Sex Offender Petition) Notes: SP No. Enter SP No. in detail screen. SORP (Return of Service). Notes: add title of Petition. SP No.
Cont	with 16.

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A TOTAL DE	DUTIT	ION HEA	MINIO.
APIDIN		C 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	********

[X]16.	Dispo. Petition hearing: Ho Disposition: granted									
[X]17.	Type Order Permitting or O Sent out: 7-29-04		Filed:	<u>8</u> ,	-4-04					
[X]18.	Hoku: SOOG or SOOD, N Send copy of Order and this		Jkt. Ueno	to: for	complet	ion	& transmittal	. t o	Kurt	Spoh
[]19	Internet posting date:	8/16/04								
[x]20.	Attach SP file to criminal fi Hoku: FILE Location.	ile and return to crimi	nal file'	s origin	nal location (1	record	retention stays the sai	ne).		

Atty Hank HAWan Crim Justic & Latac

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 547-7513

Attorneys for Petitioner

IST CIRCUIT COURT STATE OF HAWAII FILED

2014 AUG - 6 PM 2: 29

i. WÜNG Clerk

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,)	S.P. NO. 04-1-0222
)	(Criminal No. 03-1-1434)
Petitioner.)	
)	ORDER PERMITTING PUBLIC
v.)	RELEASE OF SEX OFFENDER'S
)	RELEVANT INFORMATION THAT IS
DOUGLAS MOORE,)	NECESSARY TO PROTECT THE
	ن (PUBLIC PURSUANT TO H.R.S. §846E-3
Respondent.	j	
)	Hearing: August 2, 2004 Time: 8:30 a.m. Judge: Michael A. Town
)	
))	
)	
)	
•)	
)	

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's</u>

Relevant Information that is <u>Necessary to Protect the Public pursuant to H.R.S. §846E-3</u>, having come on for hearing on August 2, 2004, before the Honorable Michael A. Town, the State of Hawaii

being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Douglas

Moore being present and represented by Frank Fernandez, and the Court having carefully considered
the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On April 14, 2004, Respondent pleaded guilty as charged to two (2) counts of Sexual Assault in the Third Degree, one (1) count of Indecent Exposure, and two (2) counts of Sexual Assault in the First Degree;
- 3. Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: H.R.S. Sections 707-731(1)(a) and 707-733(1)(a);
- 4. On July 2, 2004, Salustiano Bunye, and Investigator with the Department of the Prosecuting Attorney, City and County of Honolulu personally served Respondent with the <u>Petition</u> for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to <u>Protect the Public pursuant to H.R.S. §846E-3(b).</u>
- 5. On July 8, Deputy Prosecuting Attorney Rowena Somerville, Respondent, and attorney, Frank Fernandez, upon receiving a copy of the Petition, made a special appearance before the Honorable Richard K. Perkins for a status conference on the record;
- 6. Judge Perkins informed Respondent that he had to respond to the Petition within twenty (20) days after service;
- 7. Respondent failed to answer, plead, or otherwise defend against the Petition within twenty (20) days after service;
- 8. On July 27, 2004, Petitioner filed a notice of entry of default, and the clerk entered default against Respondent;

- 9. On July 28, 2004, Petitioner filed a Motion for Default Judgment and Order Granting

 Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is

 Necessary to Protect the Public pursuant to H.R.S. §846E-3 (hereinafter "Motion for Default

 Judgment");
- 10. On August 2, 2004, Respondent was sentenced to serve a term of imprisonment of eight (8) years;
- 11. On August 2, 2004, Petitioner's Motion for Default Judgment was granted, thereby permitting the public release of Respondent's relevant information that is necessary to protect the public and therefore entering the following orders;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. 846E shall be publicly released in order to protect the public; and
- 2. The duration of public release of information shall be for the LIFE of the sex offender.

Dated at Honolulu, Hawaii: August 3, 2004.

APPROVED AND SO ORDERED:

MOHAELA. TOUR

The Honorable Michael A. Town.
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Frank Fernandez

Attorney for Respondent Moore

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE & POST-SENTENCE-MORE THAN 30 DAYS/ PAU CASES BEFORE 5/1/04

DEF	ENDANT: MOORE,	Douglas		DPA: Charl	ene Ikeda
CR.	NO. <u>03-1-1434</u>		_ SP NO04-		
	SC No.	Convictio 4/13/0	n Date	Custody \$20,000.	
	Victim	Rpt. No.	D/O	. Charge	Class
K	<u>elii Verhulsdonk</u>	03247760	7/31/02-5/1	7/03 SA3°	
		03247762	6/24/03		Exposure P
	•	03247366	4/1/03-5/17	03 SA1°	
		03247756	11 11	n DYT	<u>A</u>
		03247761	6/24/03		<u>A</u>
				SA3°	<u>C</u>
M2.	Deft. has previous sex/other concentrations file(s), obtain cert. do Check Hoku or pull White Carfill in information above or refile Location: If none, check MRRC logs: Appeal? Ask Appellate staff [/] File destroyed? [] File retrieved	rd for File Location/C	ert. HPD rpts. for ALL ca	name.) /).	
[/] 4.	Request NCIC printout from Is	Kece	ived: 6/38/0	7	
[]5. /	Out-of-state sex conviction: send letter to appropriate agency requesting documents. Per DPA: [] Documents not needed				
/16 .	Request certified "usual" documents of the destroyed & case not in larguested:	HAJIS, use "Case No Receiperments that are not	And Italia, tedirest jour	Complaint & Judg	ment/Mittimus.
भूग.	PSI: [] In file. [] No. Rec		Duye, ACS.		
∕j́8.	HPD Report: [1] In file. []: victim from HPD Records. Requested: Xerox 1 copy (to be reducted).	Danster		ement, and transcri	bed statement of

∤∕]9.	Deft's custody: check current custody log. [Out of custody [] Custody: 1226-6 Have. Hon. 968/2 Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system. [] Address same as ran sheet. I] Add'l address:
	[] Address same as rap sheet. [] Add'l address:
[]10.	Type Petition (Old Cases) and Return of Service – 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody
	check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Corpplaint) and 2 (cert. Judgment/Mittimus)
	[1] To Rowena to sign. 6 S 04 Copies: Petition: Sent. Post-Sent.: (7): PA, DA, Deft., Sent. Judge, Judge Perkins, Legal Docs., s/o
	Petition: pau case: (6): PA, DA, Deft., Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition filed.
	Stamp "Received by" stamp on PA copy.
	Cont. with A. or B.
····	
A. SE	TENCE/POST-SENTENCE - MORE THAN 30 DAYS:
MI.	Submit Petition for filing. On route slip, request that Messenger return all copies except Judges' copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges' copies.
	Petition filed: 6/39/64 . Type SP No. on Return of Service.
112.	Copy of 1st page of filed Petition to Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly). 4/30/
112	Hoku: SOP (Sex Offender Petition). Notes: SP No. Add SP No. in detail screen.
	Hearing date: use upcoming sentence date or hrg. date.
44.	Open SP file. Write red SP No. in top left comer of criminal file (this will alert you that SP file is opened). Hold file until Petition served and Investigator returns Return of Service.
	Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.
, ,	initial appearance given to deft. Date given to ISD: 6/20/04 Served: 7/2/04 Conies of Return of Service: (6) PA DA Deft Her hydroxymaths.
,	Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date the should have already
•	nitial appearance date: 78104
	Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen. SORP (Return of Service). Notes: of Sex Offender Petition. SP No.
17.	Copy of Petition & Return of Service to PD's Office, Susan Arnett: send via Circuit Court jacket. (faxed w/Ref.
18. i	ile to Rowens for initial appearance hearing. Rowens will give DA copy of Petition and Return of Service.
as writh	19. (15 Hong on 7/8/04)

<u>B. P</u>	AU CASES:
[]11.	Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.
	Petition filed: Type SP No. on Return of Service.
[]12.	Copy of he page of filed Petition to Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
[]13.	Hoku: White card case or Out-of-State case: ADD case in Hoku. ADPA (if necessary) SOP (Sex Offender Petition). Notes: SP No. Add SP No. in detail screen. Note: Temporarily use filed date as hrg. date.
	FILE Location: with you awaiting service of Petition.
[]14.	Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.
[]15.	Serve Petition on Dest: use Sex Offender ISD Request form to have Investigator (1) serve petition on dest.; (2) have dest. sign on PA copy; and (3) fill our Return of Service, including date of initial appearance given to dest. (4) due date is 30 days from request.
	Date given to ISD: Served:
[]16.	Copies of Return of Service: (5) PA, DA, Deft., Judge Perkins, s/o. File Return of Service. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen. SORP (Return of Service). Notes: of Sex Offender Petition. SP No.
[]17.	Copy of Petition & Return of Service to PD's Office, Susan Amett: send via Circuit Court jacket.
[]18.	File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service. If DPA no longer with the office, give both criminal and SP files to Rowena.
Cont. be	
<u>after</u>	INITIAL APPEARANCE HEARING:
[1]19.	Hoku: Dispo. SOIA SOP transaction: enter Petition hearing date.
1 20.	Return file to Rowena for hearing.
<u>AFTER</u>	PETITION HEARING:
121/	After hearing: Dispo. Hoku. Disposition: Granfed - For Life
/]22.	Type Order Permitting or Order Denying. FAX+10: 1873024 + 812/04 Filed Order received and fexed to Kurt Spoken. Sent. to: Norma UENO @ Crim. Justic Hoku: SOOD or SOOD. Notes: SP No.
]23.	Internet posting date: 8/16/04 mm
]24.	Send copy of order and this form to Kurt Spohn, via Circuit Court jacket (to be sent weekly):
725.	Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.

PROSECUTING ATTORNEY

IST CIRCUIT COURTS

2004 SEP 23 PM 2: 20

M. LIVICA CLERK

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813

Ph: 547-7400 FAX: 527-6546 Attorneys for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,	S.P. NO. 04-1-0220		
Petitioner.	(Criminal No. 87-0175)		
V.)	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS		
EMMANUEL B. SILVA,) Respondent.)) NECESSARY TO PROTECT THE) PUBLIC PURSUANT TO H.R.S. §8461		
; }	Hearing: September 13, 2004 Time: 11:00 a.m. Judge: Steven S. Alm		

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's</u>

Relevant Information that is <u>Necessary to Protect the Public pursuant to H.R.S. §846E-3</u>, having come on for hearing on September 13, 2004, before the Honorable Steven S. Alm, the State of

Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Douglas Moore who was not present, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On July 10, 1987, Respondent pleaded guilty to two (2) counts of Sexual Assault in the First Degree, two (2) counts of Sexual Assault in the Fourth Degree, one (1) count of Kidnapping, and one (1) count of Burglary in the First Degree;
 - 3. On September 15, 1987 Respondent was sentenced to eight (8) years of incarceration.
- 4. Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: H.R.S. Sections 707-731(1)(a) and 707-733(1)(a);
- 5. On August 3, 2004, Diane O'Reilly, an Investigator with the Department of the Prosecuting Attorney, City and County of Honolulu personally served Respondent with the <u>Petition</u> for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3(b).
- 6. On August 12, 2004, Deputy Prosecuting Attorney Rowena Somerville and Respondent appeared before the Honorable Richard K. Perkins for a status conference on the record;
- 7. Judge Perkins informed Respondent that he had to respond to the Petition within twenty (20) days after service and that he could have the assistance of an attorney;
- 8. Respondent failed to answer, plead, or otherwise defend against the Petition within twenty (20) days after service;
- 9. On August 30, 2004, Petitioner filed a notice of entry of default, and the clerk entered default against Respondent;

- 10. On September 2, 2004, Petitioner filed a Motion for Default Judgment and Order

 Granting Petition for an Order Permitting Public Release of Sex Offender's Relevant Information

 that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 (hereinafter "Motion for Default

 Judgment");
- 11. On September 13, 2004, the Honorable Steven S. Alm granted Petitioner's Motion for Default Judgment, thereby permitting the public release of Respondent's relevant information that is necessary to protect the public and therefore entering the following orders;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. 846E shall be publicly released in order to protect the public; and
- 2. The duration of public release of information shall be for the LIFE of the sex offender.

Dated at Honolulu, Hawaii: September 14, 2004.

APPROVED AND SO ORDERED:

The Honorable Steven S. Al Judge of the Above-Entired

APPROVED AS TO FORM:

Emmanuel B. Silva Respondent

PA 4/12/04

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

DEFENDANT: EMMANUEL B. SILVA CR. NO.: 87-0175				DPA: Rowena Somerville SP NO.: 04-1-0220			
CONVICTION DATE: September 15, 1987				CUSTODY STATUS: Out of custody			
VI	CTIM	RPT. NO.	D/O		CHARGE		CY ACC
Debra Kimi	ko Shup	V-65241	2/6/87		Sexual Assault 1		CLASS
	•	V-65241-3	2/3/3/		Sexual Assault 1	A	•
		V-65241-4				A	
1		V-65241-5			Sexual Assault 4	M	
		V-65241-1			SexualAssault 4	M	
		A-02541-1	1		Kidnapping	A	· ' .
⊠ 1.	(If not sure, give to filed in sex cases.)	mgmgm and	extended term; se ask whether only	nt, of docu	f repeat offender; conviction of oments are needed for hearing or	crime agai a petition	nst children needs to be
2 .	Deft. has previous s Fill out new checkli	ex/other convictions. Cr.] st for each case.	No(s):				
⊠ 3.	File Location: If none, check MRR	late staff for file location:	on from file (sex	ch by offen	y deft's name.) ses only).		
⊠ 4.	Request NCIC prints Requested: <u>5/13/04</u>	out from ISD. Route to DI Received: <u>5/13/04</u>	PA to highlight a	plica	able convictions, if any.		
□ 5.	Out-of-state sex com Per DPA: Docu Letter sent:	viction: send letter to appuments not needed Documents received:	Request docume	eque: nts	sting documents.		
⊠ 6.	Requested: 4/21/04		e norm Halls	requ	lictment/Complaint & Judgment est form.	/Mittimus	
⊠ 7.	PSI: In file.	No. Request from Cher					
⊠ 8.	HPD Report: In from HPD Records. Requested: 4/21/04		D closing report,	victi	m's statement, and transcribed s	tatement o	f victim
⊠ 9.	○ Out of custody	k current custody log Custody: search PRODCICS (ADL s rap sheet Add'l a	 A & M55N) & H	PD's	s IIQ system.		

⊠ 10.	To Rowena for app	proval to	file perition
Cont.	with A. or B.		•

A. SENTENCE or POST-SENTENCE - MORE THAN 30 DAYS: 11. Type Petition (Old Cases) and Return of Service - 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.

Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment & Mittimus)

to Kowena to sign.
Copies: Petition: (7): PA, private DA or PD, Deft. (cert.), Hrg. Judge, Judge Perkins, Legal Docs., s/
Return of Service: make copies after Petition filed.
Stamp "Received by" stamp on PA copy.

☐ 12.	Submit Perition for fi will take to Legal Do	ling. On route sli cs., who will sign	p, request ti Summons,	hat Mosseng assign SP 1	ger return all cop No. and file-stam	ies except Ju p document.	idges' copies. Messenger v	Messenger vill distribute or	ıly
	Judges' copies.	•							

Petition filed:	 Type S	P No.	on Return	of Service.

13.	Xerox 1st page of filed	Petition for Kurt Spo	hn, AG's Office:	send via Circuit Court jacket (to	be sent weekiv)
100			•		

- 14. Hoku: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes screen. Hearing date: use upcoming sentence date or hrg. date.
- Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened). Hold file until Petition served and Investigator returns Return of Service.
- 16. Serve Petition on Deft: use Sex Officnder ISD Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.

 Date given to ISD: _____ Served:
- 17. Copies of Return of Service: (6) PA, private DA or PD, Deft., Hrg. Judge, Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date:

Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). Notes: SP No.

SORT (Return of Service). Notes: ST No.

- ☐ 18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. has a private attorney in his criminal case, leave copy of Petition and Return of Service in file.
- 19. SP file to Rowena for initial appearance hearing. Rowena will give private DA copy of Petition and Return of Service. Criminal file to DPA.

Cont. with 20.

B. PAU CASES:

- Type Petition (Old Cases) and Return of Service 1 per cr. no.

 Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.

 Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
 - 1. To Rowena to sign.
 - Copies: Petition: (6): PA, PD, Deft.(cert.), Judge Perkins, Legal Docs., s/o
 Return of Service: make copies after Petition served.
 - 3. Stamp "Received by" stamp on PA copy.
- Submit Perition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.

Petition filed: 6/28/04. Type SP No. on Return of Service.

- Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
 6/28/04
- Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.
- \[
 \sigma \text{Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request.
 \[
 \text{Date given to ISD: 6/29/04} \]
 Served: 8/3/04
 \[
 \text{Service} \text{Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request.
 \[
 \text{Date given to ISD: 6/29/04} \]
 \[
 \text{Service} \text{8/3/04}
 \]
 \[
 \text{Date given to ISD: 6/29/04} \]
 \[
 \text{Service} \text{8/3/04}
 \]
 \[
 \text{Date given to ISD: 6/29/04} \]
 \[
 \text{Service} \text{8/3/04}
 \]
- In Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: 8/12/04
 Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
 SORP (Return of Service). SP No.
- Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.

 18. Send out PD's copy of Petition and Return of Service at time of the hearing.

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 18. Send out PD's copy of Petition and Return of Service a
- □ 19. Filc(s) to Rowena for initial appearance hearing.

Cont. with 20.

AFTER INITIAL APPEARANCE HEARING:

- 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:

- 22. Hoku. Dispo. SOP (Petition hearing). Disposition: granted
- Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
 Copies: (6) PA, DA or PD, Deft., Judge, HCJDC, s/o
 Sent out: 9/15/04. Filed: 9/23/04.
 Hoku: SOOG or SOOD. Notes: SP No.
- Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.
 9/27/04
- Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.

 If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

PROSECUTING ATTORNEY

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor

Honolulu, Hawaii 96821 Ph: 547-7400 FAX: 527-6546 Attorneys for Petitioner FIRST CIRCUIT COURT STATE OF HAWAII FILED

2004 SEP 24 AM 8: 38

H. CHING CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,	S.P. NO. 04-1-0219.			
Petitioner.	(Criminal No. 87-0626)			
v.	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S			
ROYCE NAKAGAWA,) RELEVANT INFORMATION THAT) NECESSARY TO PROTECT THE			
Respondent.	PUBLIC PURSUANT TO H.R.S. §846E-3			
	Hearing: September 21, 2004 Time: 8:30 a.m. Judge: Rhonda A. Nishimura			

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's</u>

Relevant Information that is <u>Necessary to Protect the Public pursuant to H.R.S. §846E-3</u>, having come on for hearing on September 21, 2004, before the Honorable Rhonda A. Nishimura, the State

of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville, and Attorney Jeffrey Hawk appearing for Royce Nakagawa whose presence was waived, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On February 22, 1988, Respondent pleaded guilty to two (2) counts of Sexual Assault in the First Degree, and one (1) count of Kidnapping;
- 3. On March 30, 1988 Respondent was sentenced to twenty (20) years of incarceration in each count to run concurrently;
- 4. Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: H.R.S. Section 707-731(1)(a);
- 5. On August 15, 2004, David Lee, an Investigator with the Department of the Prosecuting Attorney, City and County of Honolulu personally served Respondent with the Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3(b):
- 6. On August 19, 2004, Deputy Prosecuting Attorney Rowena Somerville and Attorney Jeffrey Hawk appeared before the Honorable Richard K. Perkins for a status conference;
- 7. Judge Perkins informed Mr. Hawk that Respondent had to respond to the Petition within twenty (20) days after service;
- 8. Respondent failed to answer, plead, or otherwise defend against the Petition within twenty (20) days after service;
- 9. On September 15, 2004, Petitioner filed a notice of entry of default, and the clerk entered default against Respondent;

- 10. On September 17, 2004, Petitioner filed a Motion for Default Judgment and Order

 Granting Petition for an Order Permitting Public Release of Sex Offender's Relevant Information

 that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 (hereinafter "Motion for Default

 Judgment");
- 11. On September 21, 2004, the Honorable Rhonda A. Nishimura granted Petitioner's Motion for Default Judgment, thereby permitting the public release of Respondent's relevant information that is necessary to protect the public and therefore entering the following orders;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. 846E shall be publicly released in order to protect the public; and
- 2. The duration of public release of information shall be for the LIFE of the sex offender.

Dated at Honolulu, Hawaii: September 21, 2004.

APPROVED AND SO ORDERED:

RHONDA A. NISHIMURA

SEAL

The Honorable Rhonda A. Nishimura Judge of the Above-Entitled Court

SEP 2 3 2004

APPROVED AS TO FORM:

cy for Respondent

PA 4/12/04

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

	DEFENDANT: ROYCE NAKAGAWA			DPA: Rowena Somerville					
CR. NO.:		·	`	SP NO.: 04-1-0219					
SCT. NO.:									
CONVICT	ION DATE: 1	March 30, 1998		CUSTODY STATUS: Out of custody					
						2 002 00 00			
	te de la companya de								
V]	CTIM	RPT. NO.	D/O	CHAR	GF.	CLASS			
Bernadette	Canne	W-57306	5/13/87	Sexual Assau					
		W-57306-1		Sexual Assau					
		W-57306-2		Kidnapping	A				
⊠ 1.	Highlight convicti	minal and sex offender fu on(s): cr. no(s).; sent. or o Rowena to highlight an	f extended term se	at of renest affenders as	variation of all	1.117			
□ 2.	Deft. has previous Fill out new check	sex/other convictions. Ci	r. No(s):						
⊠ 3.	Fill in information File Location: If none, check MR	llate staff for file location	tion from file (sex	rch by deft's name.) offenses only).					
☑ 4.	Request NCIC prin Requested: <u>5/13/0</u>	tout from ISD. Route to Received: 5/13/04	DPA to highlight a	pplicable convictions, if	iny.				
□ 5.	Out-of-state sex co. Per DPA: Dos Letter sent:	nviction: send letter to a cuments not needed	Request docum	requesting documents.					
⊠ 6.	Requested: 4/21/04	usual" documents. NOTE case not in HAJIS, use "Case not in HAJIS, use "Case Received: 5/10/04 by of any documents that	ase Not in HAJIS'	request form.	& Judgment/Mittin	mus.			
⊠ 7.	PSI: In file. Requested:	☐ No. Request from Ch Received: ☐	eryl inouye, APD.						
፟ 8.	HPD Report: In Infrom HPD Records. Requested: 4/21/04		CID closing report	, victim's statement, and	transcribed stateme	ent of victim			
⊠ 9.		ck current custody log. § Custody: search PRODCICS (AI as rap sheet.		HPD's IIQ system.					
№ 110	To Dowers for some	neveral se #1isi	•						

B. PAU CASES:

- Type Petition (Old Cases) and Return of Service 1 per cr., no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
 - 1. To Rowena to sign.
 - 2. Copies: Petition: (6): PA, PD, Deft (cert.), Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition served.
 - 3. Stamp "Received by" stamp on PA copy.
- Submit Perition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. **⊠** 12. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.

Petition filed: 6/28/04. Type SP No. on Return of Service.

- Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly). **⊠** 13.
- Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.) $\boxtimes 14$. ADPA (if necessary) SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen. Note: Temporarily use filed date as hrg. date. FILE Location: with you awaiting service of Petition.
- Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.
- Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have **⊠** 16. deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is Date given to ISD: 6/30/04 Served: 8/15/04
- Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: 8/19/04 Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). SP No.
- Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.
- ☐ 19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.

AFTER INITIAL APPEARANCE HEARING:

20. Hoku: Dispo. SOIA

SOP transaction: enter Petition hearing date.

21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:

- 22. Hoku. Dispo. SOP (Petition hearing). Disposition: granted
- Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
 Copies: (6) PA, DA or PD, Deft., Judge, HCJDC, s/o
 Sent out: 9/21/04. Filed: 9/23/04.
 Hoku: SOOG or SOOD. Notes: SP No.
- Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).

 Hoku: FILE Location.

 If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.

 If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

P. 02/08 = HCJDC

Ved'd on 'SEP 28 2004

STATE OF HAWAII

2004 SEP 27 PH 2: 51

R. HIGA CLERK

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
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Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546

Attorneys for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,	S.P. NO. 04-1-0279
Petitioner.)	(Criminal No. 94-1775)
v.) JAMES K. LAHUI, JR.,	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE
Respondent.	PUBLIC PURSUANT TO H.R.S. §846E-3
	Hearing: September 17, 2004 Time: 10:00 a.m. Judge: Marcia J. Waldorf

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 17, 2004, before the Honorable Marcia J. Waldorf, the State of</u>

Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville, and Deputy Public Defender Edward K. Harada specially appearing for Respondent James K. Lahui who was not present, and the Court having carefully considered the pleadings and evidence presented at said hearing, and there being no objection, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On December 16, 1994, Respondent was sentenced to five (5) counts of Sexual Assault in the Second Degree, and three (3) counts of Sexual Assault in the Third Degree, and Endangering the Welfare of a Minor;
- 3. Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor" as those terms are defined in H.R.S. §846E-1, to wit: H.R.S. Sections 707-730(1)(b) and 707-732(1)(b);
- 4. Respondent is a "sex offender" who is required to register under H.R.S. chapter §846E;
- 5. On July 21, 2004, Petitioner filed a <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S.</u> §8846E-3;
- 6. On August 23, 2004, Respondent was served the <u>Petition for an Order Permitting</u>

 <u>Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3</u>;
- 7. On September 15, 2004, Petitioner filed a Motion for Default Judgment and Order

 Granting Petition for an Order Permitting Public Release of Sex Offender's Relevant Information

 that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 (hereinafter "Motion for Default

 Judgment");

- 8. September 17, 2004, Petitioner's Motion for Default Judgment was granted;
- 9. Petitioner met its burden, by a preponderance of the evidence that Respondent is required to register under chapter H.R.S. §846E;
- 10. Respondent, through his default, did not overcome the Petitioner's presumption that public release of Respondent's relevant information is necessary to protect the public, and the court therefore enters the following orders,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E shall be publicly released in order to protect the public; and
- 2. The duration of public release of information shall be for the LIFE of the sex offender.

Dated at Honolulu, Hawaii: September 27, 2004.

APPROVED AND SO ORDERED:

MARCIA J. WALDORF

(SEAL

The Honorable Marcia J. Waldoff Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Edward K. Harada

Timothy Ho

Deputy Public Defenders

Attorney for Respondent

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

DEFENDANT: JAMES I	K I VALID LD		DRA. D. G.	
CR. NO.: 94-1775	L DAILUI, OIL	•	DPA: Rowena Somery	ville
SCT. NO.:			SP NO.: 04-1-0279	
CONVICTION DATE: 9	14.04		CITCONO DEL COMA DE LA COMA DEL COMA DE LA COMA DEL LA COMA DE	
			CUSTODY STATUS:	Not in custody
		<u> </u>		
VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Santra Lahui	92311471	12/25/91		B
	93076899	7/13/92	H H	B
	93076900	11	Sex. Asslt. 1°	
	93076901	n	Sex. Asslt. 3°	A C
	93076902	"	BOX. ASSIL. 3	
	93076903		**	C
	93231883	9/1/91	C 414 00	C
	93341971	2/18/93	Sex. Asslt. 2°	В
	93341971		<u>"</u>	В
	33341372	2/192/23/9	93 "	B
Fill out new checkli 3. Check Hoku or pull Fill in information a File Location: If none, check MRR Appeal? Ask Appel File destroyed?	White Card for File Localbove or retrieve information of Localbove or 10-C-30 llate staff for file location	tion/Cr. No. (Searc ion from file (sex o	th by deft's name.) ffenses only).	
☑ File retrieved				
4. Request NCIC print Requested: 6-1-04	out from ISD. Route to D Received: <u>6-8-04</u>	PA to highlight ap	plicable convictions, if any.	
5. Out-of-state sex con Per DPA: Doct Letter sent:	viction: send letter to ap iments not needed Documents received:	propriate agency re Request documen	questing documents. nts	
Requested:	sual" documents. NOTE: ase not in HAJIS, use "Ca Received: y of any documents that a	ise Not in HAJIS"		ent/Mittimus.
⊠ 7. PSI: ⊠ In file. [☐ No. Request from Cher Received: ☐			

⊠ 8.	HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim from HPD Records. Requested: 5-18-04 Received: 5-18-04
⊠ 9.	Deft's custody: check current custody log. Out of custody Custody: Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system. Address same as rap sheet. Add'l address:
10.	To Rowena for approval to file petition.
Cont	with A. or B.
	Name of the Control o
<u>A. SI</u>	ENTENCE or POST-SENTENCE - MORE THAN 30 DAYS:
□ 11.	Type Petition (Old Cases) and Return of Service – 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment & Mittimus) To Rowens to sign. Copies: Petition: (7): PA, private DA or PD, Deft. (cert.), Hrg. Judge, Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition filed. Stamp "Received by" stamp on PA copy.
□ 12.	Submit Perition for filing. On route slip, request that Messenger return all copies except Judges' copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges' copies.
	Petition filed: Type SP No. on Return of Service.
□ 13.	Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
□ 14.	Hoku: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes screen. Hearing date: use upcoming sentence date or hrg. date.
□ 15.	Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened). Hold file until Petition served and Investigator returns Return of Service.
☐ 16.	Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. Date given to ISD: Served:
☐ 17.	Copies of Return of Service: (6) PA, private DA or PD, Dest., Hrg. Judge, Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance ate: Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
□ 18.	Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft, has a private
	attorney in his criminal case, leave copy of Petition and Return of Service in file.
☐ 19.	SP file to Rowena for initial appearance hearing. Rowena will give private DA copy of Petition and Return of Service. Criminal file to DPA.
Cont.	with 20.

B. PAU CASES:

- Type Petition (Old Cases) and Return of Service 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
 - 1. To Rowena to sign.
 - 2. Copies: Petition: (6): PA, PD, Deft.(cert.), Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition served.
 - 3. Stamp "Received by" stamp on PA copy.
- Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute

Petition filed: 7-21-04. Type SP No. on Return of Service.

- Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly). **⊠** 13.
- Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.) □ 14. ADPA (if necessary) SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen. Note: Temporarily use filed date as hrg. date. FILE Location: with you awaiting service of Petition.
- Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). **⊠** 15. If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.
- Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have **⊠** 16. deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is Date given to ISD: 7-22-04 Served: 8-23-04
- Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Mossenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: 8-26-04 Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). SP No.
- Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.
- File(s) to Rowena for initial appearance hearing.

Cont. with 20.

AFTER INITIAL APPEARANCE HEARING:

- ⊠ 20. Hoku: Dispo. SOIA
 - SOP transaction: enter Petition hearing date.
- ☐ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:

- Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
 Copies: (6) PA, DA or PD, Deft., Judge, HCIDC, s/o
 Sent out: 9-17-04.
 Hoku: SOOG or SOOD. Notes: SP No.
- ∑ 24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.
 9-28-04
- Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.

 If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

FAX NO. 808 527 6546

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** SEP 28 2004

IST CIRCUIT COURT STATE OF HAWAII FILED

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R HIGA

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400

Ph: 547-7400 FAX: 527-6546 Attorneys for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,	S.P. NO. 04-1-0256
Petitioner.	(FC. CR. No. 90-0029)
v.) PHILLIP KUALA,) Respondent.)	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3
	Hearing: September 17, 2004 Time: 8:30 a.m. Judge: Karl K. Sakamoto
}	

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 17, 2004, before the Honorable Karl K. Sakamoto, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Michael Shaw, being present and represented by Deputy Public Defender Ronette Kawakami, and</u>

the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On August 23, 1991, Respondent was convicted of "sexually violent offense(s)" and or a "criminal offense against a victim who is a minor" as those terms are defined in H.R.S. §846E-1, to wit: Sexual Assault in the First Degree pursuant to H.R.S. Section 707-730(1)(b);
 - 3. On August 23, 1991, Respondent was sentenced to twenty (20) years of incarceration;
- 4. Respondent is a "sex offender" who is required to register under chapter H.R.S. §846E;
- 5. On August 13, 2004, Respondent was served the <u>Petition for an Order Permitting</u>

 <u>Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846B-3 and a hearing was set for September 17, 2004;</u>
- 6. On September 8, 2004, Respondent filed a Response to the State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;
- 7. On September 17, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), and (4) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 10. At the hearing on September 17, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for a period of ten (10) years.

Dated at Honolulu, Hawaii: September 17, 2004.

Harl K. Sakamoto

The Honorable Karl K. Sakaroto Judge of the Above-Entitled Court

APPROVED AS TO FORM:

ROHETTE M. KAWAKAMI

Ronette Kawakami Deputy Public Defender Attorney for Respondent

PA 4/12/04

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

	ANT: PHILLI	P KUALA		DPA: Rowena Somerville				
CR. NO.:			•	SP NO.: 04-1-0256				
SCT. NO.:								
CONVICT	TION DATE:	7-15-91		CUSTO	DY STATUS:	Not in o	ustody	
V	ICTIM	RPT. NO.	T 70					
Amy M. W		90004855	D/O		CHARGE		CLASS	
71111 141. VV	CIBII	70004633	2-1-88	Sex.	Asslt. 1°	A_		
⊠ 1.	Highlight convict	iminal and sex offender fuion(s): cr. no(s).; sent. of o Rowena to highlight and	figstended terms se	ent of repeat of documents ar	offender; conviction of the needed for hearing	of crime ago or a petitio	ainst children. On needs to be	
2 .	Deft. has previous Fill out new check	sex/other convictions. Cr	:. No(s):					
☑ 3.	File Location: If none, check MR	ellate staff for file location	tion from file (sex	rch by deft's n offenses only)	ame.)).			
፟ 4.	Request NCIC print Requested: 6-1-04	ntout from ISD. Route to Received: 6-8-04	DPA to highlight a	pplicable conv	victions, if any.			
□ 5.	Out-of-state sex co Per DPA: Do Letter sent:	nviction: send letter to a cuments not needed	Request docum	requesting doc ents	uments.			
፟ 6.	Requested: 5-14-0	usual" documents. NOTE case not in HAJIS, use "C4 Received: 5-17-04 py of any documents that	ase Not in HAJIS'	request form.	/Complaint & Judgme	ent/Mittim	is.	
⊠ 7.	PSI: M in file. Requested: M	☐ No. Request from CheReceived: ☐	eryl Inouye, APD.					
⊠ 8.	TOWN 1 TO 1/0001/05	n file. 🛭 No. Request (4 Received: <u>5-18-04</u>	CID closing report	, victim's state	ement, and transcribed	i statement	of victim	
⊠ 9.	☐ Out of custody	search PRODCICS (AI	DLA & MSSN) & 1 1 address:	HPD's IIQ sys	tem.			
 10.	To Rowena for app	roval to file petition.						
Cont.	with A. or B.							

initial appearance given to deft.

Served:

Date given to ISD:

Initial appearance date:

<u>M. D</u>	ENTENCE OF POST-SENTENCE - MORE THAN 30 DAYS:
□ 11.	Type Petition (Old Cases) and Return of Service - 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment & Mittimus) To Rowena to sign. Copies: Petition: (7): PA, private DA or PD, Deft. (cert.), Hrg. Judge, Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition filed. Stamp "Received by" stamp on PA copy.
□ 12.	Submit Petition for filing. On route slip, request that Messenger return all copies except Judges' copies. Messenger will take to Legal Does., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges' copies.
•	Perition filed: Type SP No. on Return of Service.
□ 13.	Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
□ 14.	Hoku: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes screen. Hearing date: use upcoming sentence date or hrg. date.
□ 15.	Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened). Hold file until Petition served and Investigator returns Return of Service.
□ 16.	Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.

Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). Notes: SP No. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. has a private **18.** attorney in his criminal case, leave copy of Petition and Return of Service in file.

Copies of Return of Service: (6) PA, private DA or PD, Deft., Hrg. Judge, Judge Perkins, s/o. File Return of

Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).

SP file to Rowena for initial appearance hearing. Rowena will give private DA copy of Petition and Return of Service.

Cont. with 20.

□ 17.

B.	P	AU	CA	SES	•

- □ Type Petition (Old Cases) and Return of Service 1 per cr. no.
 □ Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
 Attach Exhibits I (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
 - 1. To Rowens to sign.
 - Copies: Pctition: (6): PA, PD, Deft.(cert.), Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition served.
 - 3. Stamp "Received by" stamp on PA copy.
- Submit Perition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.

Petition filed: 7-7-04. Type SP No. on Return of Service.

- Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).

 7-8-04
- ☐ 14. Hoku: White card case or Out-of-State case; ADD case in Hoku. (See your samples.) ADPA (if necessary)
 SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen. Note: Temporarily use filed date as hrg. date.
 FILE Location: with you awaiting service of Petition.
- Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only.

 Hold file until Petition served and Investigator returns Return of Service.
- Serve Petition on Dest: use Sex Offender ISD Request form to have Investigator (1) serve petition on dest.; (2) have dest. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to dest. (4) due date is 30 days from request.

 Date given to ISD: 7-8-04

 Served: 8-13-04
- Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
 Initial appearance date: 8-19-04
 Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
 SORP (Return of Service). SP No.
- ☐ 18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.
- ☑ 19. File(s) to Rowena for initial appearance hearing.

Cont.	with	20.

AFTER INITIAL APPEARANCE HEARING:

AFTER PETITION HEARING:

- Send our Order Permitting or Order Denying (prepared by Rowena) for filing. Copies: (6) PA, DA or PD, Deft., Judge, HCIDC, s/o
 Sent out: 9-17-04. Filed: 9-27-04.
 Hoku: SOOG or SOOD. Notes: SP No.
- 24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn. 9-28-04
- Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.
 If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

FAX NO. 808 527 6546

P. 05

PROSECUTING ATTORNIEV

IST CIRCUIT COURT?
STATE OF HAWAII

2004 OCT - 1 PH 2: 59

M.N. TANAKA CLERK

PETER B. CARLISLE 2209
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ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
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Ph: 547-7400

Ph: 547-7400 FAX: 527-6546 Attorneys for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,) S.P. NO. 04-1-0287.
Petitioner.) (Criminal No. 88-2044)
v. DEREK KALAUKELA SISON, Respondent.	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3
	Hearing: September 22, 2004 Time: 8:30 a.m. Judge: Derrick Chan

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's</u>

<u>Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3</u>, having come on for hearing on September 22, 2004, before the Honorable Derrick Chan, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Derek

Kalaukela Sison, who was not present, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On February 27, 1989, Respondent was convicted of "sexually violent offense" as that term is defined in H.R.S. §846E-1, to wit: Sexual Assault in the Second Degree, H.R.S. Section 707-731(1)(a);
- 3. On April 4, 1989, Respondent was sentenced to five (5) years of probation with the special condition of sixty (60) days of imprisonment;
- 4. On July 23, 2004, Respondent was served the <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for September 22, 2004;</u>
- 5. Respondent failed to respond to the <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S.</u>
 §846E-3 by September 17, 2004 as directed by the summons and the Honorable Richard K. Perkins.
- 6. On September 22, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 10. At the hearing on September 22, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary, but he was not present;

11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for a period of ten (10) years.

Dated at Honolulu, Hawaii: September 22, 2004.

APPROVED AND SO ORDERED OCT 0 1 2004
DERRICK HAM, CHAN (STAR)

The Honorable Derrick Chan Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Derek Kalaukela Sison Respondent

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

A212538

CR. NO.: 88-2044				DPA: Rowena Somerville SP NO.: 04-1-0287			
CONVICT	ΓΙΟΝ DATE: 4	/4/89		CUSTO	DY STATUS:	Out of	custody
						<u> </u>	custous
· ·				·			
V	ICTIM	RPT. NO.	D/O		CHARGE	 -	CTASS
Malia Kapı	uaonalani Evans	G-54935	11/6/88	Sexus		- D	CLASS
Nana Kapi 	Print rap sheet (crir Highlight conviction (If not sure, give to filed in sex cases.) Deft. has previous a Fill out new checkling check Hoku or pull Fill in information a File Location: If none, check MRR Appeal? Ask Appeal? Ask Appeal? File destroyed? File retrieved Request NCIC print Requested: 7/19/04 Out-of-state sex con	ninal and sex offender fun(s): cr. no(s).; sent. o Rowena to highlight an sex/other convictions. C ist for each case. White Card for File Location above or retrieve informatic logs: llate staff for file location 10/4/01	all inquiry) If extended term; set ask whether only If No(s): Cation/Cr. No. (Seation from file (sex on: DPA to highlight a ppropriate agency of the courts of the co	ent. of repeat of documents are reh by deft's na offenses only).	e needed for hearing of	B f crime agor a penni	ainst children
⊠ 6.	Requested: 4/21/04	sual" documents. NOTE	Certify 2 copies Case Not in HAJIS"	request form.	Complaint & Judgmer	nt/Mittim	45.
፟ 7.		No. Request from Ch					
⊠ 8.	HPD Report: In from HPD Records. Requested: 4/21/04	file. No. Request of Received: 4/23/04	CLO closing report,	, victim's stater	nent, and transcribed	statement	of victim
⊠ 9.		k current custody log. Custody: search PRODCICS (AEs rap sheet. Add'	 DLA & M55N) & F I address:	IPD's IIQ syste	m.		
⊠ 10.	To Rowena for appro	val to file petition.					
Cont.	with A. or B.			•			

B. PAU CASES:

- Type Petition (Old Cases) and Return of Service 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
 - 1. To Rowena to sign.
 - 2. Copies: Petition: (6): PA, PD, Deft.(cert.), Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition served. 3. Stamp "Received by" stamp on PA copy.
- Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. **⊠** 12. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute

Pctition filed: 7/23/04. Type SP No. on Return of Service.

- Xerox 1st page of filed Petition for Kurr Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly). **13.**
- Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.) **⊠**14. ADPA (if necessary) SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen. Note: Temporarily use filed date as hrg. date. FILE Location: with you awaiting service of Petition.
- Open SP file. Write red SP No. in top left comer of criminal file (this will alert you that SP file is opened). **⊠** 15. If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.
- Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have **⊠** 16. deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is Date given to ISD: 7/26/04 Served: 8/26/04
- Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: 9/2/04 Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). SP No.
- Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Rotum of Service at time of the hearing.
- File(s) to Rowena for initial appearance hearing.

Cont. with 20.

AFTER INITIAL APPEARANCE HEARING:

- - SOP transaction: enter Petition hearing date.
- 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:

- ☑ 22. Hoku. Dispo. SOP (Petition hearing). Disposition: granted
- Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
 Copies: (6) PA, DA or PD, Deft., Judge, HCJDC, s/o
 Sent out: 10/1/04. Filed: 10/1/04.
 Hoku: SOOG or SOOD. Notes: SP No.
- Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.
 If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

FAX NO. 808 527 6546

P. 02

Prosecuting Attorney

THE CIRCUIT COURTS

2004 SEP 29 AM 9: 52

M. LIVICA CLERK

PETER B. CARLISLE 2209
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ROWENA A. SOMERVILLE 6645
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1060 Richard Street, 10th Floor
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Ph. 547,7400

Ph: 547-7400 FAX: 527-6546 Attorneys for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,) S.P. NO. 04-1-0167		
Petitioner.	(CR. No. 03-1-0664)		
v. RODERICK JOHNSON, Respondent.	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3		
	Hearing: September 21, 2004 Time: 11:15 a.m. Judge: Karl K. Sakamoto		

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 21, 2004, before the Honorable Karl K. Sakamoto, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent,</u>

being present and represented by Deputy Public Defender Tyrus S. Buyama, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On May 4, 2004, Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor" as those terms are defined in H.R.S. §846E-1, to wit: Sexual Assault in the Second Degree pursuant to H.R.S. Section 707-731(1)(a);
- Respondent is a "sex offender" who is required to register under chapter H.R.S. §846E;
- 4. The victim in the case was twelve (12) years of age or younger at the time of the offense;
- 5. On May 20, 2004, Respondent was served the <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for September 21, 2004;</u>
- 6. On July 21, 2004, Respondent filed a Response to the State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;
- 7. On September 21, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), and (4) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 10. At the hearing on September 21, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for the LIFE of the Respondent.

Dated at Honolulu, Hawaii: September 21, 2004.

APPROVED AND SO ORDERE

The Honorable Karl K. Sakar

Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Tyrus S. Buyama

Deputy Public Defender

Attorney for Respondent

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

DEFENDANT: Rodrick JOHNSON CR. NO.: 03-1-0664 SCT. NO.:			DPA: Rowena Somerville SP NO.: 04-1-0167				
	TION DATE:	5-4-04		CUSTODY STATUS: OCCC			
				-			
V	ICTIM	RPT. NO.	D/O				
Charlene R	owe	03059313	1-1-03 to 1-28-03		CHARGE Sex Assault 2°	B CLASS	
⊠ 1.		riminal and sex offender fution(s): cr. no(s).; sent. of to Rowena to highlight and	ll inquiry)	t. of	repeat offender; conviction of nents are needed for hearing or	crime against childre	
2 .	Deft. has previou	s sex/other convictions. (T	A second				
⊠ 3.	File Location:	ellate staff for file lossrian	on from the (sex of	h by Tens	doft's name.) es only).		
፟ 4.	Request NCIC print Requested: 5-10-0	ntout from ISD. Route to D Received: 5-11-04	PA to highlight app	licab	ele convictions, if any.		
☐ 5.	Out-of-state sex co Per DPA: Do Letter sent:	enviction: send letter to apportunents not needed Documents received:	propriate agency req Request document	juesti is	ing documents.		
⊠ 6.	Requested: 5-11-0	usual" documents. NOTE: case not in HAJIS, use "Ca 4 Received: 5-11-04 by of any documents that an	TOTAL STANDARD 15	dricz	ctment/Complaint & Judgment t form.	/Miπimus.	
⊠ 7.		No. Request from Char		•			
፟ 8.	HPD Report: hr from HPD Records. Requested:	n file. No. Request Cl	(D closing report, vi	ctim'	's statement, and transcribed st	atement of victim	
⊠ 9.	Deft's custody: che Out of custody Last known address: Address same a	search PRODCICS (ADL	lled OCCC 5/11/04 A & M55N) & HPD	De O's II	ft in Custody, Q system.		
		- Mudia	ddlegg;				

Cont. with A. or B.

<u>A. S</u>	ENTENCE or POST-SENTENCE - MORE THAN 30 DAYS:
□ 11.	
□ 12.	Submit Petition for filing. On route slip, request that Messenger return all copies except Judges' copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges' copies.
	Petition filed: Type SP No. on Return of Service.
□ 13.	Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
□ 14.	Hoku: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes screen. Hearing date: use upcoming sentence date or hrg. date.
□ 15.	Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened). Hold file until Petition served and Investigator returns Return of Service.
□ 16.	Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of Date given to ISD: Served:
☐ 17.	Copies of Return of Service: (6) PA, private DA or PD, Deft., Hrg. Judge, Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). Notes: SP No.
□ 18.	Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. has a private attorney in his criminal case, leave copy of Petition and Return of Service in file.
19.	SP file to Rowens for initial appearance hearing. Rowens will give private DA copy of Petition and Return of Service.
Cont.	with 20.

B. PAU CASES:

- Type Petition (Old Cases) and Return of Service 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)

 - 2. Copies: Petition: (6): PA, PD, Deft.(cerl.), Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition served.
 - 3. Stamp "Received by" stamp on PA copy.
- Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. X 12. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute

Petition filed: 5-14-04. Type SP No. on Return of Service.

- Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly). **13.**
- Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.) **□14.** SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen. Note: Temporarily use filed date as hrg. date. FILE Location: with you awaiting service of Petition.
- Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). **15**. If criminal file was destroyed, open SP file only. Hold file unril Petition served and Investigator returns Return of Service.
- Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have **16**. deft. sign on PA copy; and (3) fill out Return of Scrvice, including date of initial appearance given to deft. (4) due date is 30 days from request. Date given to ISD: 5-17-04 Served: 5-20-04
- Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: 9-21-04 Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). SP No.
- Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If doft, retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.
- **2** 19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.

AFTER INITIAL APPEARANCE HEARING:

- 🛛 20. Hoku: Dispo. SOLA
 - SOP transaction: enter Petition hearing date.
- 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:

- \(\) Send out Order Permitting or Order Denying (prepared by Rowenz) for filing. Copies:
 \(\) (6) PA, DA or PD, Deft., Judge, HCJDC, s/o
 Sent out:
 \(\) 9-23-04.
 \(\) Filed:
 \(\) 9-29-04.
 \(\) Hoku: SOOG or SOOD. Notes: SP No.
- Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.

 If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

rec'd m OCT = 8 2004

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813

Ph: 547-7400 FAX: 527-6546 Attorneys for Petitioner STATE OF BAWAIR
FILED

2004 OCT -5 PM 2: 28

R. TERAOKA CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,) S.P. NO. 04-1-0257
Petitioner.) (Criminal No. 03-1-0865)
v. ARTURO PEREZ-ZAMBRANO,	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3
Respondent.) Hearing: September 16, 2004 Time: 9:00 a.m. Judge: Michael A. Town

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 16, 2004, before the Honorable Michael A. Town, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent ARTURO PEREZ-ZAMBRANO, being present and represented by Deputy Public Defender Walter</u>

I do hereby certify that this is a full line, and correct copy of the original openie in this office.

Clerk, Circuit Court, First Circuit

- J. Rodby and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:
- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On May 10, 2004, Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: two (2) counts of Sexual Assault in the Third Degree pursuant to H.R.S. Section 707-732(1)(b);
 - 3. The two (2) victims were under the age of twelve (12) on the date of offense;
- 4. On July 23, 2004, Respondent was sentenced to five (5) years probation as to each count, to run concurrently;
- 5. On July 23, 2004, Respondent was served the <u>Petition for an Order Permitting Public</u>

 Release of Sex Offender's Relevant Information that is <u>Necessary to Protect the Public pursuant to</u>

 H.R.S. §846E-3 and a hearing was set for September 16, 2004;
- 6. On September 9, 2004, Respondent filed a Response to the State of Hawaii's Motion for Default Judgment and Order Granting Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;
- 7. On September 16, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), and (4) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 10. At the hearing on September 16, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for the life of the sex offender.

Dated at Honolulu, Hawaii: September 16, 2004.

APPROVED AND SO ORDERE

MICHAEL A. TOWN

The Honorable Michael & Town
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Walter J. Rodby

Deputy Public Defender Attorney for Respondent

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

COP or VERDICT or SENTENCE or POST-SENTENCE-LESS THAN 30 DAYS (After 5/1/04)

DEFENDANT: ARTURO PEREZ-ZAMBRANO	DPA: Rowena Somerville
CR. NO.: 03-1-0865	SP NO.: 04-1-0257
SCT. NO.:	
CONVICTION DATE: 5-10-04	CUSTODY STATUS: Not in custody

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Brittany Tomaszewski	02273327	1/19/01 7/16/02	Sex. Asslt. 3°	C
	02296040	6/13/01 7/4/02	Sex. Asslt. 3°	C

AFTER A&P:

⊠1.	Print rap sheet (criminal and sex offender full inquiry) Highlight conviction(s): cr. no(s).; sent. of extended term; sent. of repeat offender; conviction of crime against children. (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)
☐ 2.	Deft. has previous sex/other convictions. Cr. No(s): Fill out new checklist for each case.
⊠ 3,	Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any. Requested: 6-29-04 Received: 7-1-04
□ 4.	Out-of-state sex conviction: send letter to appropriate agency requesting documents. Per DPA: Documents not needed Request documents Letter sent: Documents received:
⊠ 5.	Certify 2 copies of Indictment/Complaint (1 for Petition; 1 for Rowena).
⊠ 6.	HPD Report: In file. Not received yet.
፟ 7.	Deft's custody: check current custody log. 6-29-04. Out of custody Custody: Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system. Address same as rap sheet. Add'l address:
⊠ 8.	Type Petition (Old Cases) and Return of Service - 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibit I (cert. Indictment/Complaint). 1. To Rowena to sign. 2. Copies: Petition: (6): PA, private DA or PD, Deft. (cert.), Judge, Legal Docs., s/o Return of Service: make copies after Petition filed. 3. Stamp "Received by" stamp on PA copy.
□ 9.	Place Petition and copies in manila envelope, stamp "Sex Offender Petition packet" on envelope and leave in criminal file Keep s/o for yourself.
Cont.	with A, B, or C.

<u>A.</u> <u>C</u>	OP SET:
□ 10.	Inform Rowena of COP date.
☐ 11.	At least 4 days before COP date: submit Perition to COP Judge. On route slip, (1) request court to set initial appearance on the same date as sentence; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, and initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.
	Petition filed: Type SP No. on Return of Service.
□ 12.	Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
□ 13.	Hoku: SOP (Sex Offender Petition) Notes: Enter SP No. in detail screen and Notes field. Note: Temporarily use filed date as hearing date. SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.
□ 14.	Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).
□ 15.	Place filed Petition and Return of Scrvice in SP file and give to Rowena to take to COP hearing.
INITIA	LAPPEARANCE (IMMEDIATELY AFTER COP HEARING):
☐ 16.	DPA will distribute copies to defense atty., and have deft. sign on PA copy of Petition. DPA will fill out Return of Service and return to you to have filed: Copies: (5) PA, DA or PD, Deft., Judge, s/o
□ 17.	Dispo. Hoku: Sentence Date: Hoku: Dispo. SOIA and SOP (enter hoaring date) Add: SORP (Return of Service). SP No.
□ 18.	Certified documents: certify Order Appointing Counsel and Guilty Plea and leave in SP file. (Note: Indictment/Complaint was probably already obtained.)
□ 19.	Return SP file to Rowena.
Cont. w	ith AFTER PETITION HEARING.
B. S	ΓART OF TRIAL:
□ 10.	Inform Rowena when trial starts.
INITIA	J. APPEARANCE (IMMEDIATELY AFTER GUILTY VERDICT):
□ 11.	DPA will submit Petition to Trial Judge. Clerk will call Legal Docs. for SP No., sign Summons, fill in sentence date and time, conform copies, file in open court, and certify deft's copy. DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition. DPA will fill out SP No. on Return of Service, complete form, and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o
	Petition filed:
□ 12.	Xerox 1 st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
□ 13.	Sentence Date: Hoku: Add and Dispo: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field. Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field.

SORP	(Return	οf	Service).	Mates.	CD.	NT.
COL	(vermi	ωı	ocivice).	MOICS:	31	NO.

□ 14. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened). Certified documents: certify Order Appointing Counsel and request Verdict form from Legal Docs. and leave in SP file. □ 15. (Note: Indictment/Complaint was probably already obtained.) □ 16. Return SP file to Rowcna. Cont. with AFTER PETITION HEARING.

C. SENTENCE/POST-SENTENCE HEARING SET (LESS THAN 30 DAYS):

- Submit Petition to Sentence Judge. On route slip, (1) request court to set initial appearance on the same date as sentence **10**. or hrg.; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., filestamp document, and distribute only Judge's copy.
 - Petition filed: 7-8-04. Type SP No. on Return of Service.
- Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
- Hoku: Transaction: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field. **⊠** 12.
- Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).
- Place filed Petition and Return of Service with copies in SP file for Rowena to take to Sentence hearing. XI 14.

INITIAL APPEARANCE (IMMEDIATELY AFTER SENTENCE):

- DPA will distribute copies to Judge, defense arry., and have deft. sign on PA copy of Petition. DPA will fill out Return of Service and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o Court will set Petition hearing date.
- **16.** Hoku: Dispo. SOIA Add: SOP (Scx Offender Perition) Enter SP No. in detail screen and Notes field. SORP (Return of Service). Notes: SP No.
- Return file to Rowens for petition hearing. **⊠** 17.

AFTER PETITION HEARING:

- **⊠** 20. Hoku. Dispo. SOP (Petition hearing). Disposition: granted for life
- Send out Order Permitting or Order Denying (prepared by Rowcna) for filing. **⊠** 21. Copies: .(6) PA, DA or PD, Deft., Judge, HCJDC, s/o Sent out: 9-17-04. Filed: 10-5-04 Hoku: SOOG or SOOD. Notes: SP No.
- Fax copy of Order and this form to Norma Ueno, HCIDC, for completion and transmittal to Kurt Spohn. **22**.
- Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). ☒ 23. Hoku: FILE Location. If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

FIRST CIRCUIT COURT STATE OF HAWAII FILED

2004 AUG 18 PM 3: 14

H. CHING

CLERK

PETER B. CARLISLE 2209 Prosecuting Attorney ROWENA A. SOMERVILLE 6645 Deputy Prosecuting Attorney City and County of Honolulu Alii Place 1060 Richard Street, 10th Floor Honolulu, Hawaii 96813 547-7400 Ph:

FAX: 547-7513

Attorneys for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,	S.P. NO. 04-1-0178 (Criminal No. 00-1-2311)
Petitioner.) v.) MICHAEL SHAW,)	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE
Respondent.)	PUBLIC PURSUANT TO H.R.S. §846E-3 Hearing: August 12, 2004 Time: 8:30 a.m. Judge: Michael A. Town

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on August 12, 2004, before the Honorable Michael A. Town, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Michael Shaw, being present and represented by Deputy Public Defender Gary N. Oakes, and the

Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On September 12, 2001, Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: two (2) counts of H.R.S. Section 707-731(1)(b);
 - 3. The victim was under the age of twelve (12) on the date of offense;
- 4. On April 26, 2002, Respondent was sentenced to five (5) years probation, with one (1) year of incarceration as to each count, to run concurrently;
- 5. On March 30, 2003, the State of Hawaii filed a Motion to Revoke Probation, based on Respondent's failure to report to his probation officer as directed, testing positive for THC, and failing to participate in and being terminated from the Hawaii Sex Offender Treatment Program;
- 6. On May 11, 2004, Respondent's probation was revoked and he was resentenced to five (5) years of incarceration;
- 7. On June 1, 2004, Respondent was served the <u>Petition for an Order Permitting Public</u>

 Release of Sex Offender's Relevant Information that is Necessary to Protect the <u>Public pursuant to</u>

 <u>H.R.S. §846E-3</u> and a hearing was set for August 12, 2004;
- 8. On July 28, 2004, Respondent filed a Response to the State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;
- 9. On August 12, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), (4), (5), and (6) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

10. At the hearing on August 12, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for the life of the sex offender.

Dated at Honolulu, Hawaii: August 12, 2004.

APPROVED AND SO ORDERED:

The Honorable Michael A. Town Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Gary N. Oakes

Deputy Public Defender

Attorney for Respondent Shaw

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE & POST-SENTENCE-MORE THAN 30 DAYS/ PAU CASES BEFORE 5/1/04

DEFE	NDANT: MICHAEL	SHAW	1	DPA: Rowena Somer	ville	
CR. N	TO. <u>00-1-2311</u>		SP NO04-1-	0178	•	
	SC No.	<u>Conviction</u> 3 4-26-02	Date	Custody Status OCCC		
Ros	<u>Victim</u> slyn H. Dayton	Rpt. No. 00422301 00423107	D/O 11-13-00	Charge Sex.Asslt. 3°	Class C	
[X]1.	Run rap sheet (criminal and Highlight conviction(s): children. (If not sure, giv petition needs to be filed in	cr. no(s).; sent. of exter e to Rowena to highligh	nded term; sent. of r	epeat offender; conviction of aly documents are needed for	f crime again r hearing or	
[]2.	Deft. has previous sex/othe Retrieve file(s), obtain cert.	r convictions. Cr. No(s): documents, PSI, and cer	t. HPD rpts. for ALL	cases.	·	
[]3.	Check Hoku or pull White Fill in information above of File Location: If none, check MRRC logs: Appeal? Ask Appellate sta [] File destroyed? [] File retrieved	Card for File Location/Cr retrieve information from	No. (Search by deft' n file (sex offenses or	s name.) ıly).		
[x]4.	Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any. Requested: 5-21-04 Received: 5-27-04					
[]5.	Out-of-state sex conviction: send letter to appropriate agency requesting documents. Per DPA: [] Documents not needed [] Request documents Letter sent: Documents received:					
[X]6.	Request certified "usual" documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Mittimus. If file destroyed & case not in HAJIS, use "Case Not in HAJIS" request form. Requested: 5-13-04 & 7-29-02 Received:					
[文]7.	PSI: [] In file. [] No. Requested:	Request from Cheryl Inc	ouye, ACS. ed:			
[X]8.	HPD Report: [] In file.	[] No. Request CID clo	sing report, victim's	statement, and transcribed state	ement of	

[X]9.	Deft's custody: check current custody log. [] Out of custody [X] Custody: OCCC - Module 2 Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system. [] Address same as rap sheet. [] Add'l address:
[X]10.	Type Petition (Old Cases) and Return of Service – 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
	[X] To Rowena to sign. [X] Copies: Petition: Sent./Post-Sent.: (7): PA, DA, Doft., Sent. Judge, Judge Porkins, Legal Docs., s/o Petition: pau case: (6): PA, DA, Deft., Judge Perkins, Legal Docs., s/o
	Return of Service: make copies after Petition filed.
	[X] Stamp "Received by" stamp on PA copy.
	Cont. with A. or B.
A. s	ENTENCE/POST-SENTENCE - MORE THAN 30 DAYS:
[X]11.	Submit Petition for filing. On route slip, request that Messenger return all copies except Judges' copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges' copies.
	Petition filed: 5-25-04 . Type SP No. on Return of Service.
[X]12.	Copy of 1st page of filed Petition to Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
[X]13.	Hoku: SOP (Sex Offender Petition). Notes: SP No. Add SP No. in detail screen. Hearing date: use upcoming sentence date or hrg. date.
X114.	Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). Hold file until Petition served and investigator returns Return of Service.
[X]15.	Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. Date given to ISD: 5-26-04 Served: 6-1-04
[X]16.	Copies of Return of Service: (6) PA, DA, Deft., Hrg. Judge, Judge Perkins, s/o. File Return of Service. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: 7-8-04
	Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen. SORP (Return of Service). Notes: of Sex Offender Petition. SP No.
[]17.	Copy of Petition & Return of Service to PD's Office, Susan Arnett: send via Circuit Court jacket.
[X]18.	File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service.
Cont. w	ith 19.
	50 DF \$ 40 DF F F F F F F F F F F F F F F F F F F

	Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy.
Y	Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.
	Petition filed: Type SP No. on Return of Service.
[]12.	Copy of 1st page of filed Petition to Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
[]13.	Hoku: White card case or Out-of-State case: ADD case in Hoku. ADPA (if necessary)
	SOP (Sex Offender Petition). Notes: SP No. Add SP No. in detail screen. Note: Temporarily use filed date as hrg. date. FILE Location: with you awaiting service of Petition.
[]14.	Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.
[]15.	Serve Petition on Dcft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.(4) due date is 30 days from request. Date given to ISD: Served:
[]16.	Copies of Return of Service: (5) PA, DA, Deft., Judge Perkins, s/o. File Return of Service. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen. SORP (Return of Service). Notes: of Sex Offender Petition. SP No.
[]17.	Copy of Petition & Return of Service to PD's Office, Susan Arnett: send via Circuit Court jacket.
[]18.	File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service. If DPA no longer with the office, give both criminal and SP files to Rowena.
Cont. b	
AFTEF	I INITIAL APPEARANCE HEARING:
	Hoku: Dispo. SOIA SOP transaction: enter Petition hearing date.
¥20.	Return file to Rowena for hearing.
AFTER	PETITION HEARING:
	After hearing: Dispo. Hoku. Disposition: granted
∄ 21.	
저21. 지22.	Type Order Permitting or Order Denying. Filed Order received and faxed to Kurt Spohn: Filed: 8/18/04; faxed to Norma Ueno: 8/19/04 Hoku: SOOG or SOOD. Notes: SP No.
-	Type Order Permitting or Order Denying. Filed Order received and faxed to Kurt Spohn: Hoku: SOOG or SOOD. Notes: SP No. Internet posting date: RA 8 ZD 04

Post-it* Fax Note 7671	Date 816/04 pages 4
To Allison	From Anne
Co/Dept. HCTOC	co. Kayai Prof
Phone #	Phone # 541-1738
Fax # 687-8020A	Fax # 244-1798

MICHAEL PROSECU'.

CRAIG A

FIRST DEPUTY PROSECUTING ATTORNEY COUNTY OF KAUAI, STATE OF HAWAII 3990 KAANA STREET, SUITE 210

LIHUE, HAWAII 96766

TELEPHONE: (808) 241-1888

ATTORNEYS FOR THE STATE OF HAWAII

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT

STATE OF HAWAII

MICHAEL K. SOONG,)	S.P. NO. 04-1-0015
Petitioner,)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING
v.	ý	PETITION FOR AN ORDER
)	PERMITTING PUBLIC RELEASE OF
SAMUEL HEPA,)	SEX OFFENDER'S RELEVANT
•)	INFORMATION THAT IS NECESSARY
Respondent.)	TO PROTECT THE PUBLIC PURSUANT
)	TO H.R.S. §846E-3(B)
)	
)	HEARING DATE: JULY 20, 2004
)	JUDGE: GEORGE M. MASUOKA

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING PETITION FOR AN ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3(B)

Petitioner MICHAEL K. SOONG, in his official capacity as the Prosecuting Attorney of the County of Kauai, On behalf of the State of Hawaii, (hereinafter "Petitioner") having filed a Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public Pursuant to H.R.S. §846E-) O II WY 9T 904 MW 3(b) on June 4, 2004, and said Petition having come for BECEINED I do hereby certify that this is a fall, this and

correct copy of the original on file in this Office.

Clerk, Checkit Court, Fifth Circuit

hearing before the Honorable Judge George M. Masuoka, Circuit Court Judge of the Fifth Circuit, State of Hawaii, on July 20, 2004, the Petitioner having been represented by Craig A. De Costa, First Deputy Prosecuting Attorney for the County of Kauai, and Respondent SAMUEL HEPA (hereinafter "Respondent") being present and represented by Deputy Public Defender John C. Calma, the Court having heard and received evidence, having taken judicial notice of the files and records herein, and being fully advised in the premises, make the following Findings of Fact, Conclusion of Law, and Order Granting Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public Pursuant to H.R.S. §846E-3(b):

FINDINGS OF FACT

- A Complaint charging Respondent with three counts of Sexual Assault in the Third Degree in violation of Section 707-732(1)(b) of the Hawaii Revised Statutes was filed on May 2, 2003.
- The Complaint charged Respondent with knowingly subjecting the victim, who at that time was less than 14 years old, to sexual contact three times on January 7, 2003.

- 3. The judgment convicting Respondent of Count 3 said (touching victim's vagina) on October 23, 2003 and Respondent was placed on probation with conditions that included four months incarceration.
- 4. Respondent was convicted of the offense less than one year ago.
- 5. Respondent continues to undergo Sex Offender Treatment and has not yet been clinically discharged.

CONCLUSION OF LAW

- 1. Respondent was convicted of said offense in the Fifth Circuit Court of the State of Hawaii, therefore this Court has jurisdiction to hear the Petition.
- 2. Considering the nature of the offense, that
 Respondent continues to undergo Sex Offender Treatment (has
 not been clinically discharged), and the recentness of the
 convictions, Respondent failed to overcome the presumption
 of dangerousness by a preponderance of the evidence and
 therefore Respondent is subject to Chapter 846E of the
 Hawaii Revised Statutes and is required to register as a
 sex offender. Section 846E-3(d) of the Hawaii Revised
 Statutes.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED AND DECREED that the Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public Pursuant to H.R.S. §846E-3(b) filed on June 4, 2004 is hereby granted.

IT IS FURTHER ORDERED that Respondent is required to register as a sex offender pursuant to H.R.S. §803E-3(b) and said registration period shall be for life. AUG 1 3 2004

DATED: Lihue, Kauai, Hawaii,

المفتاف فالمتراء المالية المتراث والمتراث والم والمتراث والمتراث والمتراث والمتراث والمتراث والمتراث والمتراث و

GEORGE M. MASUOKA Judge Of The Above-Entitled Court

APPROVED AS TO FORM:

/S/JOHN C. CALMA

JOHN C. CALMA Attorney for Respondent

HODE

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 528-6546

Attorneys for Petitioner

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MAKUISA M. AMOTAI,

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B. TERAOKA

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

) S.P. NO. 04-1-0281
(Criminal No. 04-1-0689)
Petitioner.
)

ORDER PERMITTING PUBLICARELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS

NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

Respondent.)
Hearing: September 28, 2004

Time: 8:30 a.m.

Judge: Michael A. Town

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC

PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. \$846E-3, having come on for hearing on September 28, 2004, before the Honorable Michael-A. Town, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Some ville and Respondent Makuisa M. Amotai, being present and represented by Deputy Public Defender Travis J.E. Stephens,

I do hereby certh, that this is a full, true, and correct copy of the original on file in this office.

and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawair Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On September 28, 2001, Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor," as those terms are defined in H.R.S. §846E-1, to wit: one (1) count of Sexual Assault in the Third Degree, pursuant to H.R.S. Section 707-732(1)(b);
 - 3. The victim was under the age of twelve (12) on the date of offense;
- 4. On July 15, 2004, Respondent was served the <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for September 28, 2004;</u>
- 5. On July 28, 2004, Respondent filed a Response to the State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;
- 6. On September 28, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 7. At the hearing on September 28, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

8. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for the life of the sex offender.

Dated at Honolulu, Hawaii: September 28, 2004.

APPROVED AND SO ORDERED

MICHAEL A. TOWN

The Honorable Michael A. Town
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

"RAVIS IL STEPHENS, JP

Travis J.L. Stephens
Deputy Public Defender
Attorney for Respondent Shaw

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

COP or VERDICT or SENTENCE or POST-SENTENCE-LESS THAN 30 DAYS (After 5/1/04)

DEFENDANT: Makuisa M. Amotai	DPA: Rowena Somerville
CR. NO.: 04-1-0689	SP NO.; 04-1-0281
SCT. NO.:	
CONVICTION DATE: 7/15/04	CUSTODY STATUS: OCCC

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Gioannaleah D. Smith-	04138084	4/5/04	Sex Assault 3	C
Okesene				

AFTER A&P:

⊠ 1.	Print rap sheet (criminal and sex offender full inquiry) Highlight conviction(s): cr. no(s).; sent. of extended term; sent. of repeat offender; conviction of crime against children. (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)
☑ 2.	Deft. has previous sex/other convictions. Cr. No(s): None Fill out new checklist for each case.
⊠ 3.	Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any. Requested: 7/13/04 Received: 7/14/04
⊠ 4.	Out-of-state sex conviction: send letter to appropriate agency requesting documents. Per DPA: Documents not needed Request documents Letter sent: None Documents received:
⊠ 5.	Certify 2 copies of Indictment/Complaint (1 for Petition; 1 for Rowena).
⊠ 6.	HPD Report: ☑ In file. ☐ Not received yet.
⊠ 7.	Deft's custody: check current custody log. Out of custody Custody: OCCC Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system. Address same as rap sheet. Add'l address:
⊠ 8.	Type Petition (Old Cases) and Return of Service – 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibit 1 (cert. Indictment/Complaint). 1. To Rowena to sign. 2. Copies: Petition: (6): PA, private DA or PD, Deft. (cert.), Judge, Legal Docs., s/o Return of Service: make copies after Petition filed. 3. Stamp "Received by" stamp on PA copy.
⊠ 9.	Place Petition and copies in manila envelope, stamp "Sex Offender Petition packet" on envelope and leave in criminal file. Keep s/o for yourself.
Cont.	with A, B, or C.

A.	CO	P	SE	T:

- ☑ 10. Inform Rowena of COP date.
- At least 4 days before COP date: submit Petition to COP Judge. On route slip, (1) request court to set initial appearance on the same date as sentence; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, and initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.

Petition filed: 7/15/04. Type SP No. on Return of Service.

- Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly) 7/23/04.
- ☑ 14. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).
- 15. Place filed Petition and Return of Service in SP file and give to Rowena to take to COP hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER COP HEARING):

- DPA will distribute copies to defense atty., and have deft. sign on PA copy of Petition.

 DPA will fill out Return of Service and return to you to have filed: Copies: (5) PA, DA or PD, Deft., Judge, s/o
- ✓ 17. Dispo. Hoku: Sentence Date: 9/28/04
 Hoku: Dispo. SOIA and SOP (enter hearing date)
 Add: SORP (Return of Service). SP No.
- □ 18. Certified documents: certify Order Appointing Counsel and Guilty Plea and leave in SP file. (Note: Indictment/Complaint was probably already obtained.)
- □ 19. Return SP file to Rowens.

Cont. with	AFTER PE	TITION	HEARING	

B. ST	ART	OF 1	<u> TRIA</u>	<u>L</u> :	
				_	

10. Inform Rowena when trial starts.

INITIAL APPEARANCE (IMMEDIATELY AFTER GUILTY VERDICT):

□ 11.	DPA will submit Petition to Trial Judge. Clerk will call Legal Docs. for SP No., sign Summons, fill in sentence dat and time, conform copies, file in open court, and certify deft's copy. DPA will distribute copies to Judge, defense arty., and have deft. sign on PA copy of Petition. DPA will fill out SP No. on Return of Service, complete form, and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o
•	Petition filed:
☐ 12.	Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
□ 13.	Sentence Date: Hoku: Add and Dispo: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field. Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field. SOPP (Return of Service) Notes: SP No.

□ 14.	Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened). Certified documents: certify Order Appointing Counsel and request Verdict form from Legal Docs. and leave in SP file (Note: Indictment/Complaint was probably already obtained.)							
☐ 15.								
□ 16.	Return SP file to Rowena.							
Cont. w	rith <u>AFTER PETITION HEARING</u> .				a a			

C. SENTENCE/POST-SENTENCE HEARING SET (LESS THAN 30 DAYS):

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ield.
is opened).
ft., s/o

AFTER PETITION HEARING:

- ≥ 20. Hoku. Dispo. SOP (Petition hearing). Disposition: 9/28/04 For Life
- Send out Order Permitting or Order Denying (prepared by Rowena) for filing. Copies: (6) PA, DA or PD, Deft., Judge, s/o
 Sent out: <u>9/30/04</u>. Filed: <u>10/5/04</u>.
 Hoku: SOOG or SOOD. Notes: SP No.
- Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.

 If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

PETER B. CARLISLE 2209 Prosecuting Attorney	REC	EIVED	STATE OF HAWAII FILED
ROWENA A. SOMERVILLE	6645 ncT 15	PM 12 44	2004 OCT 13 PM 2: 39
Deputy Prosecuting Attorney			
City and County of Honolulu.	e e e e e e e e e e e e e e e e e e e	ST DATA CTR	
Alii Place			R. HIGA
1060 Richard Street, 10th Floo	r		CLERK
Honolulu, Hawaii 96813			No. of the state Report of the State of the
Ph: 547-7400			
FAX: 527-6546			
Attorneys for Petitioner			

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,) S.P. NO. 04-1-0303
) (Criminal No. 02-1-1327)
Petitioner.	
) ORDER PERMITTING PUBLIC
) RELEASE OF SEX OFFENDER'S
) RELEVANT INFORMATION THAT IS
ROBERT DEREGO, JR.,	NECESSARY TO PROTECT THE
) PUBLIC PURSUANT TO H.R.S. §846E-3
Respondent.)
) Hearing: October 7, 2004
) Time: 10:00 a.m.
) Judge: Michael A. Town
)
)
)
	•

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's <u>Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on October 7, 2004, before the Honorable Michael A. Town, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Robert Derego, Jr., being present and represented by Deputy Public Defender Edward K. Harada and</u>

the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On May 10, 2004, Respondent was convicted of a "criminal offense against a victim who is a minor" as that term is defined in H.R.S. §846E-1, to wit: Sexual Assault in the Third Degree pursuant to H.R.S. Section 707-732(1)(b);
 - 3. The victim was twelve (12) years of age on the date of offense;
- 4. On October 23, 2002, Respondent was sentenced to five (5) years probation, with sixty (60) days of jail;
- 5. On March 9, 2004, the State of Hawaii filed a Motion for Revocation of Probation, Resentencing and Issuance of Bench Warrant;
- 6. The attached affidavit of Senior Probation Officer Karen K.F. Okamoto stated that the Respondent failed to refrain from the use of illegal drugs, failed to enter a residential substance abuse treatment as directed, failed to participate satisfactorily in the Hawaii Sex Offender Treatment Program, and failed to report to his probation officer;
- 7. Respondent's probation was subsequently revoked on September 17, 2004, and he was resentenced to five (5) years imprisonment;
- 8. On August 9, 2004, Respondent was served the <u>Petition for an Order Permitting</u>

 <u>Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for September 17, 2004;</u>
- 9. On September 15, 2004, Respondent filed a Answer to State's Petition for Public Release of Information;

- 10. On September 17, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) through (7) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 11. The Court denied the State of Hawaii's Petition citing H.R.S. §846E-1, the definition of "criminal offense against a victim who is a minor," subsection (7);
- 12. On September 28, 2004, Petitioner filed a Motion to Reconsider Petition for an Order

 Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the

 Public pursuant to H.R.S. §846E-3, and a hearing was set for October 7, 2004;
 - 13. On October 7, 2004, the Court granted the Petitioner's Motion to Reconsider;
- 14. At the hearing on October 7, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
- 15. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
- 2. The duration of public release of information shall be for the life of the sex offender pursuant to H.R.S. §846E-3(d)(4).

Dated at Honolulu, Hawaii: October 7, 2004.

APPROVED AND SO ORDERED:

1900 -

The Honorable Michael A. Town Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Edward K. Harada Deputy Public Defender Attorney for Respondent

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

COP or VERDICT or SENTENCE or POST-SENTENCE-LESS THAN 30 DAYS (After 5/1/04)

		NT: Robert De	erego, Jr.			: Rowena Somervii	lle
	L NO.: 02-1-1327 SP NO.: 04-1-0303						
	NO.:	ON DATE: 10	100/00		OTTO	TO DAY CON A MAYOR - T	
CON	VICII	ON DATE: 10	0/23/02		CUS	TODY STATUS: I	n Custody
					l		· · · · · · · · · · · · · · · · · · ·
· • • • • • • •	VIC	TIM	RPT. NO.	D/O		CHARGE	CLASS
Joni A	Andrin		02048707	11/01	S	exual Assault 3	
			<u> </u>		-		
	AFTE	<u>R A&P</u> :				er i de la companya d La companya de la co	
	⊠ 1.	Print ran sheet (crim	ninal and sex offender ful	l inaulmi			
	M	Highlight conviction	n(s): cr. no(s).; sent. of	extended term; so	nt. of re	peat offender; conviction of	crime against children.
		(If not sure, give to	Rowena to highlight and	ask whether only	docum	ents are needed for hearing o	r a petition needs to be
		filed in sex cases.)					
	2 .	Deft. has previous s	ex/other convictions. Cr.	No(s):			
		Fill out new checkli	st for each case.				
	☒ 3.	Request NCIC print Requested: 7/29/04	out from ISD. Route to I Received: 8/2/04	OPA to highlight a	pplicabl	e convictions, if any.	•
	4 .	Per DPA: Doc	nviction: send letter to a numents not needed Documents received:	Request docum	requesti ents	ng documents.	
	⊠ 5.	Certify 2 copies of I	ndictment/Complaint (1	for Petition; 1 for 1	Rowena).	
	⊠ 6.	HPD Report: 🔲	In file. 🛛 Not receive	d yet.			
	7.	Deft's custody: che	ck current custody log				
		Last known address	: search PRODCICS (AI as rap sheet. Add'	DLA & M55N) & l address:	HPD's I	IQ system.	
	⊠ 8.	Deft's address(es) or check. Multiple add Attach Exhibit 1 (ce 1. To Rowena to sig 2. Copies: Petition Return	resses: usc "AND/OR"	take from rap shee between addresse:). r PD, Deft. (cert.), s after Petition file	et or sex s. , Judge,	offender rap or sex offender Legal Docs., s/o	list or custody
	⊠ 9.	Place Petition and co Keep s/o for yoursel	opies in manila envelope, f.	stamp "Sex Offer	der Pet	ition packet" on envelope and	d leave in criminal file.
	Cont.	with A, B, or C					

<u>A. (</u>	COP SET:
□ 10.	Inform Rowena of COP date.
□ 11.	At least 4 days before COP date: submit Petition to COP Judge. On route slip, (1) request court to set initial appearance on the same date as sentence; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, and initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.
•	Petition filed: Type SP No. on Return of Service.
☐ 12.	Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
□ 13.	Hoku: SOP (Sex Offender Petition) Notes: Enter SP No. in detail screen and Notes field. Note: Temporarily use filed date as hearing date. SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.
□ 14.	Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).
☐ 15.	Place filed Petition and Return of Service in SP file and give to Rowena to take to COP hearing.
INITIA	L APPEARANCE (IMMEDIATELY AFTER COP HEARING):
□ 16.	DPA will distribute copies to defense atty., and have deft. sign on PA copy of Petition. DPA will fill out Return of Service and return to you to have filed: Copies: (5) PA, DA or PD, Deft., Judge, s/o
□ 17.	Dispo. Hoku: Sentence Date: Hoku: Dispo. SOIA and SOP (enter hearing date) Add: SORP (Return of Service). SP No.
□ 18.	Certified documents: certify Order Appointing Counsel and Guilty Plea and leave in SP file. (Note: Indictment/Complaint was probably already obtained.)
□ 19,	Return SP file to Rowena.
Cont. w	ith AFTER PETITION HEARING.
	The state of the s
B. S'	TART OF TRIAL:
□ 10.	Inform Rowens when trial starts.
<u>INITIA</u>	LAPPEARANCE (IMMEDIATELY AFTER GUILTY VERDICT):
☐ 11.	DPA will submit Petition to Trial Judge. Clerk will call Legal Docs. for SP No., sign Summons, fill in sentence date and time, conform copies, file in open court, and certify deft's copy. DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition. DPA will fill out SP No. on Return of Service, complete form, and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o
	Petition filed:
☐ 12.	Xerox 1 st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
☐ 13.	Sentence Date: Hoku: Add and Dispo: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field. Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field. SORP (Return of Service). Notes: SP No.

∐ 14.	Open new SP file. Write red SP No.	on top left corner of criminal file (this	will alert you that an SP file is opened).
□ 15.	Certified documents: certify Order A (Note: Indictment/Complaint was pro-	Specimely at Court 2	t form from Legal Docs. and leave in SP file
□ 16.	Rcturn SP file to Rowena.		
Cont. w	ith <u>AFTER PETITION HEARING</u> .		
	2.500 E 10 12 10 10 10 10 10 10 10 10 10 10 10 10 10		

C. SENTENCE/POST-SENTENCE HEARING SET (LESS THAN 30 DAYS):

Submit Petition to Sentence Judge. On route slip, (1) request court to set initial appearance on the same date as sentence or hrg.; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.

Petition filed: 8/3/04. Type SP No. on Return of Service.

- Xcrox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
 8/3/04.
- 🛛 12. Hoku: Transaction: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.
- 2 13. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).
- ☑ 14. Place filed Petition and Return of Service with copies in SP file for Rowens to take to Sentence hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER SENTENCE):

- DPA will distribute copies to Judge, defense arry., and have deft. sign on PA copy of Petition.
 DPA will fill out Return of Service and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o
 Court will set Petition hearing date.

⊠ 17.	Return file	o Rowena for	petition hearing.
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AFTER PETITION HEARING:

<u>W</u> 20.	Hoku. Dispo. SOP (Petition hearing). Disposition:
⊠ 21.	Send out Order Permitting or Order Denying (prepared by Rowena) for filing. Copies: (6) PA, DA or PD, Deft., Judge, s/o Sent out; Filed: 10/13/04. Hoku: SOOG or SOOD. Notes: SP No.
⊠ 22.	Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.

23. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.

If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs, and case filed before FC Nos.

+KJDC.

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THE CHOOSE COURT

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M. LIVICA CLERK

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,) S.P. NO. 04-1-0232) (Criminal No. 03-1-2761)
Petitioner.	ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS
KEONI MANIBOG, Respondent.) NECESSARY TO PROTECT THE) PUBLIC PURSUANT TO H.R.S. §846E-3
Respondent.	Hearing: September 3, 2004 Time: 9:15 a.m. Judge: David W. Lo

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 3, 2004, before the Honorable David W. Lo. the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Keoni Manibog, being present and represented by Deputy Public Defender William H. Jameson, Jr., and

wheet copy of the original on file in this office.

the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On April 14, 2004, Respondent was convicted of "sexually violent offense" as that term is defined in H.R.S. §846E-1, to wit: Sexual Assault in the Second Degree, H.R.S. Section 707-731(1)(a);
- 3. On September 3, 2004, Respondent was sentenced to five (5) years of probation with the special condition of one (1) year imprisonment;
- 4. On July 1, 2004, Respondent was served the <u>Petition for an Order Permitting Public</u>

 Release of Sex Offender's Relevant Information that is Necessary to Protect the <u>Public pursuant to</u>

 H.R.S. §846E-3 and a hearing was set for September 3, 2004;
- 5. On July 29, 2004, Respondent filed a Response to the State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;
- 6. On September 3, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 10. At the hearing on September 3, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
- 2. The duration of public release of information shall be for a period of twenty-five (25) years commencing upon the release of Respondent from incarceration.

Dated at Honolulu, Hawaii: September 3, 2004.

APPROVED AND SO ORDERED OCT -7 200/

DERRICK H.M. O. !

Je The Honorable David W. Lo
Judge of the Above-Entitled Court

APPROVED AS TO FORM;

William H. Jameson, Jr.

Deputy Public Defender

Attorney for Respondent

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

COP or VERDICT or SENTENCE or POST-SENTENCE-LESS THAN 30 DAYS (After 5/1/04)

DEFENDANT: Keoni Manibog				DPA: Rowena Somerville				
CR. NO.: 03-1-2761				SP NO.: 04-1-0232				
SCT. NO.:								
CONVICTION	ON DATE: 7/	1/04		CUST	ODY STATUS:	OCCC	7	
VIC	TIM	RPT. NO.	D/Q		CHARGE		CLASS	
Julie Ann Ta	urua	03480888	12/1/03	Bu	rglary 1	В	<u></u>	
Julie Ann <u>AFTE</u>	Taurua R A&P :	03480889	lt.	Sex	x Assault 2°	В		
⊠ 1.	Highlight conviction	ninal and sex offender full n(s): cr. no(s).; sent. of a Rowena to highlight and	extended term: se	nt. of repe document	at offender; convictions are needed for heari	n of crime : ng or a peti	ngainst children. tion needs to be	
፟ 2.	Deft. has previous s Fill out new checkli	ex/other convictions. Cr. ist for each case.	No(s): None	•				
፟ 3.	Request NCIC print Requested: 6//10/0	tout from ISD. Route to I 4 Received: 6/14/04	OPA to highlight a	pplicable	convictions, if any.			
፟ 4.	Per DPA: Doc	nviction: send letter to an numents not needed Documents received:	propriate agency Request docum		documents.			
⊠ 5.	Certify 2 copies of	Indictment/Complaint (1 1	for Petition; 1 for	Rowena).				
⊠ 6.	HPD Report:	In file. Not receive	d yet.				•	
⊠ 7.	Out of custody Last known address	eck current custody log. y)LA & M55N) &	HPD's IIC) system.		• •	
⊠ 8.	Deft's address(es) of check. Multiple ad Attach Exhibit 1 (c	Cases) and Return of Service: on Certificate of Service: dresses: use "AND/OR" ert, indictment/Complaint	take from rap she between addresse	et or sex o	ffender rap or sex offe	ender list or	custody	
	Retur	ign. n: (6): PA, private DA or n of Service: make copie: ed by" stamp on PA copy.	s after Petition fil), Judge, L od.	egal Docs., s/o			
⊠ 9.	Place Petition and o Keep s/o for yourse	copies in manila envelope elf.	, stamp "Sex Offe	nder Petiti	on packet" on envelo	oe and leave	in criminal file.	

Cont. with A, B, or C.

A.	COP	SET	:

- □ 10. Inform Rowens of COP date.
- At least 4 days before COP date: submit Petition to COP Judge. On route slip, (1) request court to set initial appearance on the same date as sentence; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, and initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.

Petition filed: 6/30/04. Type SP No. on Return of Service.

- Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
 7/2/04.
- 🖾 14. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).
- ☑ 15. Place filed Petition and Return of Service in SP file and give to Rowena to take to COP hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER COP HEARING):

- □ Dispo. Hoku: Sentence Date: 9/3/04
 Hoku: Dispo. SOIA and SOP (enter hearing date)
 Add: SORP (Return of Service). SP No.
- ☐ 18. Certified documents: certify Order Appointing Counsel and Guilty Plea and leave in SP file. (Note: Indictment/Complaint was probably already obtained.)

Cont. with AFTER PETITION HEARING.

B. ST.	ART	OF	TRIA	L:

10. Inform Rowena when trial starts.

INITIAL APPEARANCE (IMMEDIATELY AFTER GUILTY VERDICT):

□ H.	DPA will submit Petition to Trial Judge. Clerk will call Legal Docs. for SP No., sign Summons, fill in sentence date and time, conform copies, file in open court, and certify deft's copy. DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition. DPA will fill out SP No. on Return of Service, complete form, and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o
	Petition filed:
☐ 12.	Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)

Hoku: Add and Dispo: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.

SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field.

SORP (Return of Service). Notes: SP No.

□ 14.	Open new SP file. Write red SP No. on top le	ft corner of criminal file (this wi	ill alert you that an SP file is opened)
□ 15.	Certified documents: certify Order Appointing (Note: Indictment/Complaint was probably air	Counsel and request Vardiet Co	
□ 16.	Return SP file to Rowena.		
Cont. w	ith <u>AFTER PETITION HEARING</u> .		

SENTENCE/POST-SENTENCE HEARING SET (LESS THAN 30 DAYS):

⊠ 17.	Return file to Rowena for petition hearing.
	Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field. SORP (Return of Service). Notes: SP No.
⊠ 16.	Hoku: Dispo. SOIA
	Court will set Petition hearing date.
⊠ 15.	DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition. DPA will fill out Return of Service and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o
INITIA	L APPEARANCE (IMMEDIATELY AFTER SENTENCE):
14.	riace filed Petition and Return of Service with copies in SP file for Rowena to take to Sentence hearing.
□ 13.	Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).
	Hoku: Transaction: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.
□ 12.	
☐ II.	Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)
	Petition filed: Type SP No. on Return of Service.
∐ 10.	Submit Petition to Sentence Judge. On route slip, (1) request court to set initial appearance on the same date as sentence or hrg.; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.

AFTER PETITION HEARING:

- Hoku. Dispo. SOP (Petition hearing). Disposition: Granted, Duration 25 yrs. **⊠** 20.
- **2**1. Send out Order Permitting or Order Denying (prepared by Rowena) for filing. Copies: (6) PA, DA or PD, Deft., Judge, s/o Sent out: 9/16/04. Filed: 10/7/04. Hoku: SOOG or SOOD. Notes: SP No.
- Fax copy of Order and this form to Norma Ueno, HCIDC, for completion and transmittal to Kurt Spohn. **⊠** 22.
- Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). **⊠** 23. If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

PETER B. CARLISLE 2209

RECEIVED .

HI CRIM JUST DATA CTR

Prosecuting Attorney

ROWENA A. SOMERVILLE 664907 18 PM 2 51

Deputy Prosecuting Attorney

City and County of Honolulu

Alii Place

1060 Richard Street, 10th Floor

Honolulu, Hawaii 96813

Ph: 547-7400 FAX: 527-6546

Attorneys for Petitioner

CAREER CRIMINAL Frosecuting Attorney

2004 OCT 15 PM 2: 20

M. LIVICA CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,) S.P. NO. 04-1-0223
) (Criminal No. 03-1-1800)
Petitioner.	
) ORDER PERMITTING PUBLIC
v.) RELEASE OF SEX OFFENDER'S
) RELEVANT INFORMATION THAT IS
WALTER FUNAKOSHI, JR.,) NECESSARY TO PROTECT THE
) PUBLIC PURSUANT TO H.R.S. §846E-3
Respondent.	
) Hearing: September 29, 2004
) Time: 11:30 a.m.
) Judge: Michael D. Wilson

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 29, 2004, before the Honorable Michael D. Wilson, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent

Walter Funakoshi, Jr., being present and represented by Samuel P. King, Jr., and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

- 1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);
- 2. On August 18, 2001, Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor," as those terms are defined in H.R.S. §846E-1, to wit: two (2) counts of Sexual Assault in the First Degree, pursuant to H.R.S. Section 707-730(1)(b), three (3) counts of Sexual Assault in the First Degree, pursuant to H.R.S. Section 707-730(1)(c), twelve (12) counts of Sexual Assault in the Third Degree, pursuant to H.R.S. Section 707-732(1)(b), six (6) counts of Sexual Assault in the Third Degree, pursuant to H.R.S. Section 707-732(1)(c);
- 3. The offenses occurred when the victim was under the age of twelve (12) and continued until age sixteen (16);
- 4. On July 15, 2004, Respondent was served the <u>Petition for an Order Permitting Public</u>

 <u>Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to</u>

 <u>H.R.S. §846E-3</u> and a hearing was set for September 29, 2004;
 - 5. On August 30, 2004, Respondent filed a Answer to Petition Filed June 29, 2004;
- 6. On September 29, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
- 7. At the hearing on September 29, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

8. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
 - 2. The duration of public release of information shall be for the life of the sex offender.

Dated at Honolulu, Hawaii: September 29, 2004.

APPROVED AND SO ORDERED:

MICHAEL OUTSILE

The Honorable Michael D. Wilson Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Samuel P. King, Jr.

Attorney for Respondent

DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFENDER NOTIFICATION AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS (Before 5/1/04)

		JNAKOSHI JR.			owena Somervill	<u>e</u>
CR. NO.: 0	3-1-1800			SP NO.:	04-1-0223	
SCT. NO.:						
CONVICTI	ON DATE: 08	3-18-04		CUSTOI	Y STATUS: O	CCC
VIC	CTIM	RPT. NO.	D/O		CHARGE	CLASS
Shanel Mend	ligorin	See attached List				
⊠ 1.	Print rap sheet (crin Highlight conviction	ninal and sex offender ful n(s): cr. no(s).; sent. of Rowena to highlight and	extended term; se			
2.	Deft. has previous s Fill out new checkli	ex/other convictions. Cr. st for each case.	No(s):			
□ 3.	Fill in information a File Location: If none, check MRF	llate staff for file location	tion from file (sex			
⊠ 4.	Request NCIC print Requested: 6-25-04	tout from ISD. Route to l Received: 6-25-04		applicable conv	rictions, if any.	
□ 5.		viction: send letter to a uments not needed Documents received:	Request docum		uments.	
⊠ 6.	If file destroyed & c Requested: 6-25-04	sual" documents. NOTE case not in HAJIS, use "Case not in HAJIS, use "Case Received: 6-25-04 by of any documents that	ase Not in HAMS	" request form		/Mittimus.
⊠ 7.	PSI: In file. Requested:	No. Request from Ch	cryl Inouye, APD).		•
⊠ 8.	HPD Report: In from HPD Records. Requested:		CID closing repo	rt, victim's state	ement, and transcribed	statement of victim
⊠ 9.	Out of custody	: search PRODCICS (AI	DLA & M55N) &	. HPD's IIQ sys	stem.	
10 .	To Rowena for appr	roval to file petition.	•			
Cont.	with A. or B.		***			

A. SENTENCE or POST-SENTENCE - MORE THAN 30 DAYS:

- Type Petition (Old Cases) and Return of Service 1 per cr., no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment & Mittimus)
 - ☑ To Rowcna to sign.
 ☑ Copies: Petition: (7): PA, private DA or PD, Deft. (cert.), Hrg. Judge, Judge Perkins, Legal Docs., s/o
 Return of Service: make copies after Petition filed.
 - Stamp "Received by" stamp on PA copy.
- Submit Petition for filing. On route slip, request that Messenger return all copies except Judges' copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges' copies.

Petition filed: 6-29-04. Type SP No. on Return of Service.

- Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly) (faxed 6/30/04).
- 15. Open new SP file. Write red SP No. in top left corner of criminal file (this will akert you that an SP file is opened). Hold file until Petition served and Investigator returns Return of Service.
- Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.
 Attach Deft.'s detail screen from Hoku.
 Date given to ISD: 6-30-04
 Served: 7-6-04
- □ 17. Copies of Return of Service: (6) PA, private DA or PD, Deft., Hrg. Judge, Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: 7-15-04

 Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.

 SORP (Return of Service). Notes: SP No.
- Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. has a private attorney in his criminal case, leave copy of Petition and Return of Service in file.
- SP file to Rowena for initial appearance hearing. Rowena will give private DA copy of Petition and Return of Service.
 Criminal file to DPA.

Cont. with 20.

B. PA	<u>U CASES</u> :
□ 11.	Type Petition (Old Cases) and Return of Service – 1 per cr. no. Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus) 1. To Rowena to sign. 2. Copies: Petition: (6): PA, PD, Deft.(cert.), Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition served. 3. Stamp "Received by" stamp on PA copy.
12 .	Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.
	Petition filed: Type SP No. on Return of Service.
□ 13.	Xerox 1 st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
□ 14.	Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.) ADPA (if necessary) SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen. Note: Temporarily use filed date as hrg. date. FILE Location: with you awaiting service of Petition.
□ 15.	Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.
□ 16.	Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill our Return of Service, including date of initial appearance given to deft.(4) due date is 30 days from request. Attach Deft.'s detail screen from Hoku. Date given to ISD: Served:
☐ 17.	Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition). Initial appearance date: Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen. SORP (Return of Service). SP No.
☐ 18.	Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.
1 9.	Filc(s) to Rowens for initial appearance hearing.
Cont.	with 20.

AFTER INITIAL APPEARANCE HEARING:

- 20. Hoku: Dispo. SOIA
 - SOP transaction: enter Petition hearing date.
- 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:

- Send out Order Permitting or Order Denying (prepared by Rowena) for filing. Copies: (6) PA, DA or PD, Deft., Judge, HCJDC, s/o
 Sent out: 10-5-04. Filed: 10/15/04.
 Hoku: SOOG or SOOD. Notes: SP No.
- Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.

 If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no. If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

REPORT NO.		DATE OF OFFENSE	CHARGE	CLASS
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									DEFENDANT	PINEDA, JAMES BLIDDY	ALIEHLI KELIY HANALEI	A JOHNSON DODEDIOK	TOWNSOIN, NODENICA	ELAMBKA JR., JOHN	KIM, PUNG	ONG, GEORGE	ANGCA JR., MATIAS	HAW, MICHAEL	ALANAHELE, JR., EDWARD	11 KEALANAHELE, JR., EDWARD	ALLEFSEN III, WILFRED H.	UEL, JEFF P.	SPERA, ALVIN JR.	15 LEMN, THOMAS	DORE, DOUGLAS	17 FUNAKOSHI, WALTER JR.	į		١				24 BARBER, THOMAS	انــ		27 GODOY, DOMINADOR		SHOTHER, JUDE SK.	34 HIDATA MICHAEL					RLES				40 KEYES, BERNARDO		ΑĐÝ	- 1	1	46 PEREZ-ZAMBRANO ARTI IBO	Т		T	50 NAITITI, SAMUEL		

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04-1-0421 10/11/04	2			-

SEX OFFENL , rITIONS TRACKING LOG

		a a	4		k						ŀ		
-	() Victim must be less than 18 yrs 6		,	Category of Convinted	IC	C		,	4	1		2 Z	
	painerium is yis or order.			Another to College	ICIGO CITATIONS					Month//r			
	(+) The offense had to have been sexually violent as defined under				Misdemeanor					S.			
2		Violent A Felony	Violent B Felony	Violent C Felony	Assault/Abuse		Kidnapolno*	Prostitution*	Semence	Filed	č	andeition.	
		Rape 1 Under 16*		Incest	Sex Asseutt 4 (67)*		Kidnapping*	Promoting Prosti 1*		Г	Granted De	Denied Pending	Pending Other
		Rape 1 Force		Rape 3+	Sex Abuse 2 < 16*		Uniswful Imprison*	Promoting Prosti 2*					
		Kape 1 for-att Sex Assault 1 (87)	Rape 2 (old)	Rape 3 (old)* Sex Abuse 1 Fort	Sex Assault 4 (67)+	Affirm to Prom Child Ab* Electro Enticement 1*							
		Sodomy 1 (old)		Sex Abuse 1 NF+		Electro Enticement 2"							•
		Sodomy 1-Force		Sex Assault 3 (87)+		Prom Porn for Minor							
				Sex Offense+								_	
٠	W Jee		Sodomy 2-Force								. ;		
9 4	1 Richitachon D						-		-				
6	2 Bularon 1			2					10/15/97	A. brd	+	+	
۳	China F		3						9/30/94	4-111	\dagger	-	
	* Formandon	7		2					8/22/90	4-May	\dagger	$\frac{1}{1}$	- ,
۵	c Latchas E		-						1/5/00	A Lui	\dagger		<u> </u>
0	o rawier, E.			3					0/4/03	100-4	\dagger	1	
n (o Nala, J.			5					201/02	4-May	1	+	-
2	7 Lavanay, J.		2						1124/90	P-7ml		_	-
	8 Lono, G.	2							/8/G/7	10-4		-	-
	9 Manegdeg, A.	-	2						78/97/11	4-Jul			-
	10 Masayuki, M.								1/11/94	4-Jul			1
14	11 Nalundasan, Jr.			٥					6/14/01	4-May			1
	12 Pacheco, H.	4		2					11/6/96	4-Jul			+
9	13 Quininones S		7						6/21/91	4-Jul	-	-	Ļ
1	14 Doesdo 1		4	1					11/19/97	4-Jul	-	-	-
9	A Tovoim			4					6/26/97	4-Jul		-	-
þ	de Travler D			2					2/1/98	Jul-4		$ar{\parallel}$	
_	12 Timos			9					2/22/99	4-Jul			
_	, 10201, C.		4						9/29/93	4-Jul			-
	18 VIIIOII, J.			1					6/30/90	VeM-A	\mid		
3 8	19 Yadao, F.			2					4/28/9R	4-1-1		1	-
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		CATEGORY OF CONVICTED OFFENSES	OFFENSES				DISPOSITION	NOI
						7.	G-granted	
							D-denied	
							P-pending	
						DATE	O-other	
NAME	VIOLENT A FELONY	VIOLENT B EEL ONY	AND THE CONT	MISDEMEANOR	SENTENCE	PETITION		
		VIOLENI DI FELONI	VIOLENI C PELONY	ASSAULTIABUSE	DATE	FILED	<u>0</u>	이
Fronda, Tranquilino				6				
Grusing, Adam			·	2	10/20/03		-	
Carter, Milton					1/20/04			-
Apisaloma, Pierre					9/24/03			-
Green, Wolfgang		7 0			5/13/04			-
Quintos. Lawrence					4/30/93	7/27/04		F
Hui. Camphell		9			2/26/01	7/27/04	 	-
Vida David		4			1/15/02			-
Medeiros Sidney					11/6/01			-
Enoverse Ineality				-	3/8/02			-
Cabathat Don					4/22/02			F
Volesco Communication		1 2			10/23/97		-	-
Air. Charles	***************************************				5/22/02			-
Au, Crianes		2			5/31/01			T
Cilvia Mark					2/28/94			-
Dolmo, Maik					3/22/02			-
raillia, Rogello		3			5/19/98	8/13/04		-
Pacheco, Steven					4/25/96			-
Aki, Seon				1	3/12/03			1
Lorenzo, William	1				9/26/01		-	-
Song, Robert					7/15/99			-
Joaquin, Kevin				-	1/23/03			-
Estabilio, Jon				1	96/6/9	8/13/04		-
Britton, Hans					12/4/96	8/13/04		-
layfor, David		1			2/11/97	-		-
Cypriano, Walter				-	4/9/96	8/17/04		-
Kivera, Manuel					10/2/96	10/2/96		-
Swanson, Joseph					7/21/04			-
Cardoza, John					4/9/96	8/17/04		-
Williams, James					7/13/04			-
Bidad, Leonard					10/15/97	8/19/04		-
Robledo, Conrad		2			4/22/86	8/24/04		-

Akau, Solomon					11/2/01	8/13/04		
Akimseu, Everett			2		2/12/02	8/26/04	 - 	-
Fiti, Waily		1			0/24/04	PUSCO		
Gilreath, Wesley	2				00/00/0	70707	1	- -
MacNeil, John		2			9/22/90	107104		
Total	4	-			3/23/02	1121104		
	2	53	15	0			€ 6	N.